

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Am. Sub. H. B. No. 151

Representative Jones

Cosponsors: Representatives LaRe, Cross, Bird, Swearingen, Manning, Carruthers, Click, Creech, Cutrona, Dean, Edwards, Fowler Arthur, Fraizer, Ginter, Grendell, Gross, Hall, Holmes, John, Kick, Loychik, Merrin, Plummer, Powell, Richardson, Riedel, Schmidt, Stein, Stephens, Stevens, Stewart, Stoltzfus, Wiggam, Wilkin, Young, B.

Senators Antani, Brenner, Cirino, Hoagland, Johnson, Reineke

A BILL

To amend sections 5.224, 5.281, 9.231, 9.55, 1
102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 2
109.72, 109.746, 113.73, 117.46, 121.02, 121.03, 3
121.35, 121.37, 121.40, 121.95, 124.15, 124.382, 4
124.384, 125.05, 125.13, 133.06, 133.061, 5
135.142, 149.331, 175.30, 197.04, 319.301, 6
901.71, 921.06, 2151.011, 2151.353, 2151.357, 7
2151.362, 2305.111, 2901.01, 2903.13, 2907.03, 8
2917.31, 2917.46, 2923.122, 2925.01, 2950.11, 9
2953.32, 3301.01, 3301.07, 3301.071, 3301.072, 10
3301.075, 3301.076, 3301.078, 3301.079, 11
3301.0710, 3301.0711, 3301.0712, 3301.0713, 12
3301.0714, 3301.0715, 3301.0716, 3301.0717, 13
3301.0718, 3301.0719, 3301.0720, 3301.0721, 14
3301.0723, 3301.0725, 3301.0726, 3301.0728, 15
3301.0730, 3301.10, 3301.11, 3301.12, 3301.121, 16
3301.131, 3301.133, 3301.134, 3301.135, 17
3301.136, 3301.14, 3301.15, 3301.16, 3301.162, 18
3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 19

3301.23, 3301.27, 3301.28, 3301.30, 3301.311,	20
3301.40, 3301.45, 3301.49, 3301.52, 3301.521,	21
3301.53, 3301.54, 3301.541, 3301.55, 3301.56,	22
3301.57, 3301.58, 3301.59, 3301.61, 3301.62,	23
3301.63, 3301.64, 3301.68, 3301.70, 3301.80,	24
3301.81, 3301.923, 3301.94, 3301.941, 3301.948,	25
3302.01, 3302.02, 3302.021, 3302.03, 3302.031,	26
3302.032, 3302.033, 3302.034, 3302.035,	27
3302.036, 3302.037, 3302.038, 3302.039, 3302.04,	28
3302.041, 3302.042, 3302.043, 3302.05, 3302.06,	29
3302.062, 3302.063, 3302.066, 3302.068, 3302.07,	30
3302.09, 3302.10, 3302.103, 3302.11, 3302.12,	31
3302.13, 3302.14, 3302.15, 3302.151, 3302.17,	32
3302.20, 3302.21, 3302.22, 3302.25, 3302.26,	33
3302.41, 3302.42, 3303.02, 3303.04, 3303.05,	34
3303.06, 3303.20, 3304.12, 3307.01, 3307.05,	35
3307.31, 3309.011, 3309.48, 3309.491, 3309.51,	36
3310.01, 3310.02, 3310.03, 3310.031, 3310.032,	37
3310.033, 3310.036, 3310.07, 3310.11, 3310.13,	38
3310.14, 3310.15, 3310.16, 3310.17, 3310.41,	39
3310.411, 3310.42, 3310.51, 3310.52, 3310.521,	40
3310.522, 3310.53, 3310.58, 3310.59, 3310.62,	41
3310.63, 3310.64, 3310.70, 3311.056, 3311.08,	42
3311.16, 3311.17, 3311.19, 3311.191, 3311.213,	43
3311.214, 3311.217, 3311.218, 3311.521, 3311.53,	44
3311.60, 3311.71, 3311.74, 3311.741, 3311.76,	45
3311.86, 3311.87, 3312.01, 3312.02, 3312.04,	46
3312.07, 3312.08, 3312.09, 3312.13, 3313.03,	47
3313.25, 3313.30, 3313.413, 3313.472, 3313.48,	48
3313.483, 3313.484, 3313.487, 3313.488,	49
3313.489, 3313.4810, 3313.531, 3313.532,	50
3313.533, 3313.534, 3313.5310, 3313.5312,	51

3313.5314, 3313.56, 3313.57, 3313.60, 3313.603,	52
3313.605, 3313.608, 3313.6011, 3313.6013,	53
3313.6015, 3313.6016, 3313.6019, 3313.6020,	54
3313.6024, 3313.6027, 3313.61, 3313.611,	55
3313.612, 3313.614, 3313.615, 3313.618,	56
3313.619, 3313.6110, 3313.6111, 3313.6112,	57
3313.6113, 3313.6114, 3313.64, 3313.642,	58
3313.643, 3313.644, 3313.645, 3313.646,	59
3313.647, 3313.6410, 3313.65, 3313.66, 3313.662,	60
3313.671, 3313.674, 3313.71, 3313.7110,	61
3313.7111, 3313.7112, 3313.7113, 3313.7114,	62
3313.7115, 3313.7116, 3313.81, 3313.811,	63
3313.813, 3313.814, 3313.815, 3313.817,	64
3313.818, 3313.821, 3313.843, 3313.844,	65
3313.845, 3313.846, 3313.90, 3313.902, 3313.903,	66
3313.904, 3313.905, 3313.906, 3313.91, 3313.911,	67
3313.92, 3313.941, 3313.97, 3313.974, 3313.975,	68
3313.976, 3313.978, 3313.979, 3313.98, 3313.981,	69
3313.982, 3314.011, 3314.012, 3314.013,	70
3314.015, 3314.016, 3314.017, 3314.02, 3314.021,	71
3314.023, 3314.025, 3314.027, 3314.029,	72
3314.0211, 3314.03, 3314.03, 3314.032, 3314.034,	73
3314.035, 3314.038, 3314.039, 3314.041, 3314.05,	74
3314.06, 3314.072, 3314.074, 3314.08, 3314.081,	75
3314.083, 3314.087, 3314.091, 3314.10, 3314.101,	76
3314.11, 3314.12, 3314.143, 3314.144, 3314.147,	77
3314.17, 3314.18, 3314.19, 3314.191, 3314.20,	78
3314.21, 3314.22, 3314.232, 3314.24, 3314.26,	79
3314.27, 3314.271, 3314.28, 3314.29, 3314.35,	80
3314.351, 3314.353, 3314.354, 3314.36, 3314.38,	81
3314.50, 3314.51, 3315.18, 3315.181, 3315.33,	82
3315.34, 3315.35, 3316.03, 3316.031, 3316.04,	83

3316.041, 3316.042, 3316.05, 3316.06, 3316.08,	84
3316.20, 3317.01, 3317.011, 3317.012, 3317.014,	85
3317.015, 3317.017, 3317.019, 3317.02, 3317.021,	86
3317.022, 3317.023, 3317.024, 3317.025,	87
3317.026, 3317.028, 3317.0211, 3317.0212,	88
3317.0213, 3317.0214, 3317.0215, 3317.0217,	89
3317.0218, 3317.03, 3317.031, 3317.032,	90
3317.033, 3317.036, 3317.037, 3317.05, 3317.051,	91
3317.06, 3317.061, 3317.062, 3317.063, 3317.064,	92
3317.07, 3317.071, 3317.072, 3317.08, 3317.081,	93
3317.082, 3317.09, 3317.10, 3317.11, 3317.12,	94
3317.13, 3317.14, 3317.141, 3317.15, 3317.16,	95
3317.161, 3317.162, 3317.164, 3317.18, 3317.19,	96
3317.201, 3317.23, 3317.231, 3317.24, 3317.25,	97
3317.40, 3317.50, 3317.51, 3318.011, 3318.033,	98
3318.051, 3318.08, 3318.084, 3318.18, 3318.363,	99
3318.42, 3319.02, 3319.073, 3319.074, 3319.077,	100
3319.111, 3319.112, 3319.113, 3319.143,	101
3319.151, 3319.16, 3319.161, 3319.22, 3319.221,	102
3319.223, 3319.224, 3319.228, 3319.229,	103
3319.231, 3319.234, 3319.235, 3319.236, 3319.25,	104
3319.26, 3319.262, 3319.263, 3319.28, 3319.291,	105
3319.292, 3319.316, 3319.319, 3319.33, 3319.35,	106
3319.361, 3319.39, 3319.391, 3319.393, 3319.40,	107
3319.44, 3319.46, 3319.55, 3319.56, 3319.57,	108
3319.60, 3319.61, 3319.611, 3319.612, 3319.613,	109
3321.01, 3321.03, 3321.04, 3321.07, 3321.09,	110
3321.12, 3321.13, 3321.18, 3321.19, 3321.191,	111
3323.01, 3323.011, 3323.02, 3323.021, 3323.022,	112
3323.03, 3323.04, 3323.041, 3323.05, 3323.051,	113
3323.052, 3323.06, 3323.07, 3323.08, 3323.09,	114
3323.091, 3323.13, 3323.14, 3323.141, 3323.142,	115

3323.15, 3323.17, 3323.19, 3323.20, 3323.25,	116
3323.251, 3323.32, 3323.33, 3324.01, 3324.02,	117
3324.03, 3324.04, 3324.05, 3324.06, 3324.07,	118
3324.08, 3324.09, 3324.10, 3324.11, 3325.01,	119
3325.011, 3325.02, 3325.03, 3325.04, 3325.05,	120
3325.06, 3325.07, 3325.071, 3325.08, 3325.09,	121
3325.11, 3325.12, 3325.13, 3325.14, 3325.16,	122
3325.17, 3326.02, 3326.03, 3326.032, 3326.04,	123
3326.08, 3326.081, 3326.11, 3326.15, 3326.17,	124
3326.211, 3326.23, 3326.28, 3326.30, 3326.32,	125
3326.34, 3326.35, 3326.36, 3326.37, 3326.45,	126
3326.51, 3326.60, 3327.01, 3327.011, 3327.012,	127
3327.018, 3327.02, 3327.021, 3327.05, 3327.08,	128
3327.10, 3327.101, 3327.13, 3327.14, 3327.16,	129
3328.01, 3328.02, 3328.04, 3328.11, 3328.12,	130
3328.13, 3328.15, 3328.18, 3328.23, 3328.26,	131
3328.29, 3328.30, 3328.31, 3328.34, 3328.35,	132
3328.37, 3328.38, 3328.45, 3328.50, 3329.01,	133
3329.03, 3329.10, 3331.01, 3331.02, 3331.04,	134
3331.08, 3332.02, 3332.03, 3332.04, 3333.04,	135
3333.041, 3333.048, 3333.0411, 3333.0415,	136
3333.07, 3333.162, 3333.167, 3333.21, 3333.31,	137
3333.34, 3333.35, 3333.37, 3333.39, 3333.391,	138
3333.43, 3333.66, 3333.70, 3333.82, 3333.86,	139
3333.87, 3333.91, 3335.36, 3335.61, 3343.05,	140
3345.06, 3345.061, 3345.062, 3345.86, 3353.02,	141
3365.01, 3365.02, 3365.03, 3365.032, 3365.033,	142
3365.034, 3365.035, 3365.04, 3365.05, 3365.06,	143
3365.07, 3365.071, 3365.08, 3365.09, 3365.091,	144
3365.10, 3365.12, 3365.15, 3375.01, 3701.507,	145
3701.78, 3705.36, 3707.58, 3707.59, 3734.62,	146
3737.22, 3742.32, 3745.21, 3781.106, 3781.11,	147

3798.01, 4109.01, 4109.06, 4109.07, 4109.22,	148
4112.04, 4112.12, 4117.10, 4117.102, 4141.01,	149
4141.47, 4506.09, 4506.10, 4507.21, 4508.01,	150
4511.21, 4511.75, 4511.76, 4709.07, 4709.10,	151
4713.02, 4732.10, 4732.22, 4735.09, 4742.02,	152
4742.03, 4742.05, 4742.06, 4742.07, 4743.03,	153
4747.10, 4757.41, 4758.61, 4779.13, 5101.061,	154
5101.34, 5103.02, 5103.08, 5103.13, 5103.55,	155
5104.01, 5104.015, 5104.02, 5104.053, 5104.08,	156
5104.29, 5104.30, 5107.281, 5107.287, 5107.40,	157
5107.62, 5120.031, 5120.07, 5120.091, 5123.022,	158
5123.023, 5123.025, 5123.026, 5123.0423,	159
5126.04, 5126.05, 5126.23, 5126.24, 5139.34,	160
5145.06, 5162.363, 5162.365, 5502.262, 5502.263,	161
5513.04, 5703.21, 5705.216, 5705.391, 5705.412,	162
5709.07, 5709.92, 5715.26, 5715.34, 5747.057,	163
5747.72, 5753.11, 6109.21, 6301.04, 6301.11,	164
6301.111, 6301.112, 6301.15, 6301.21, 6301.22,	165
and 6301.23; to enact new section 3301.13 and	166
sections 3301.0731, 3301.111, 3301.132,	167
3313.5318, 3319.225, 3321.042, and 3792.05; and	168
to repeal sections 3301.13, 3302.101, and	169
3302.102 of the Revised Code and to amend the	170
versions of sections 3319.22 and 3319.223 of the	171
Revised Code that are scheduled to take effect	172
on April 12, 2023; to rename the Department of	173
Education as the Department of Education and	174
Workforce; to create the position of Director of	175
Education and Workforce; and to reform the	176
functions and responsibilities of the State	177
Board of Education and the Superintendent of	178
Public Instruction, to continue the changes on	179

and after that date; to reduce the duration of 180
the Alternative Resident Educator License from 181
four to two years; to permit such a licensee to 182
teach preschool; to revise the Ohio Teacher 183
Residency Program as it exists beginning on 184
April 12, 2023; to require one day of 185
professional development leave each school year 186
for classroom teachers to observe veteran 187
teachers; to enact the Save Women's Sports Act 188
to require schools to designate separate single- 189
sex teams and sports for each sex; to make 190
changes to the home education and non-chartered 191
nonpublic school law; to prohibit schools from 192
discriminating based on COVID-19 vaccination 193
status; and to permit the General Assembly to 194
invalidate or rescind rules adopted by the 195
Director of Education and Workforce. 196

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

Section 1. That sections 3314.03, 3319.223, 3319.26, and 197
3326.11 be amended and sections 3313.5318, 3319.225, and 3792.05 198
of the Revised Code be enacted to read as follows: 199

Sec. 3313.5318. (A) Beginning with the school year 200
immediately following the effective date of this section, each 201
school that participates in athletic competitions or events 202
administered by an organization that regulates interscholastic 203
athletic conferences or events shall designate interscholastic 204
athletic teams based on the sex of the participants as follows: 205

<u>(1) Separate teams for participants of the female sex</u>	206
<u>within female sports divisions;</u>	207
<u>(2) Teams for participants of the male sex within male</u>	208
<u>sports divisions, in which participants of the female sex may</u>	209
<u>participate;</u>	210
<u>(3) If applicable, co-ed teams for participants of the</u>	211
<u>female and male sexes within co-ed sports divisions.</u>	212
<u>Participants of the male sex shall not participate in</u>	213
<u>female sports divisions.</u>	214
<u>(B) No school, interscholastic conference, or organization</u>	215
<u>that regulates interscholastic athletics to which this section</u>	216
<u>applies shall permit individuals of the male sex to participate</u>	217
<u>on athletic teams or in athletic competitions designated only</u>	218
<u>for participants of the female sex. Participants of the female</u>	219
<u>sex may participate on athletic teams or in athletic</u>	220
<u>competitions designated for participants of the male sex.</u>	221
<u>(C) No agency or political subdivision of the state and no</u>	222
<u>accrediting organization or athletic association that operates</u>	223
<u>or has business activities in this state shall process a</u>	224
<u>complaint, begin an investigation, or take any other adverse</u>	225
<u>action against a school or school district for maintaining</u>	226
<u>separate single-sex interscholastic athletic teams or sports.</u>	227
Sec. 3314.03. A copy of every contract entered into under	228
this section shall be filed with the superintendent of public	229
instruction. The department of education shall make available on	230
its web site a copy of every approved, executed contract filed	231
with the superintendent under this section.	232
(A) Each contract entered into between a sponsor and the	233
governing authority of a community school shall specify the	234

following:	235
(1) That the school shall be established as either of the	236
following:	237
(a) A nonprofit corporation established under Chapter	238
1702. of the Revised Code, if established prior to April 8,	239
2003;	240
(b) A public benefit corporation established under Chapter	241
1702. of the Revised Code, if established after April 8, 2003.	242
(2) The education program of the school, including the	243
school's mission, the characteristics of the students the school	244
is expected to attract, the ages and grades of students, and the	245
focus of the curriculum;	246
(3) The academic goals to be achieved and the method of	247
measurement that will be used to determine progress toward those	248
goals, which shall include the statewide achievement	249
assessments;	250
(4) Performance standards, including but not limited to	251
all applicable report card measures set forth in section 3302.03	252
or 3314.017 of the Revised Code, by which the success of the	253
school will be evaluated by the sponsor;	254
(5) The admission standards of section 3314.06 of the	255
Revised Code and, if applicable, section 3314.061 of the Revised	256
Code;	257
(6) (a) Dismissal procedures;	258
(b) A requirement that the governing authority adopt an	259
attendance policy that includes a procedure for automatically	260
withdrawing a student from the school if the student without a	261
legitimate excuse fails to participate in seventy-two	262

consecutive hours of the learning opportunities offered to the student.	263 264
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	265 266
(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.	267 268 269 270 271 272
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	273 274
(a) A detailed description of each facility used for instructional purposes;	275 276
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	277 278
(c) The annual mortgage principal and interest payments that are paid by the school;	279 280
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	281 282 283
(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.	284 285 286 287 288 289
(11) That the school will comply with the following	290

requirements:	291
(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.	292 293 294
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	295 296 297
(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.	298 299 300 301
(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, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, <u>3319.225</u> , 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320

(e) The school shall comply with Chapter 102. and section 321
2921.42 of the Revised Code. 322

(f) The school will comply with sections 3313.61, 323
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 324
Revised Code, except that for students who enter ninth grade for 325
the first time before July 1, 2010, the requirement in sections 326
3313.61 and 3313.611 of the Revised Code that a person must 327
successfully complete the curriculum in any high school prior to 328
receiving a high school diploma may be met by completing the 329
curriculum adopted by the governing authority of the community 330
school rather than the curriculum specified in Title XXXVIII of 331
the Revised Code or any rules of the state board of education. 332
Beginning with students who enter ninth grade for the first time 333
on or after July 1, 2010, the requirement in sections 3313.61 334
and 3313.611 of the Revised Code that a person must successfully 335
complete the curriculum of a high school prior to receiving a 336
high school diploma shall be met by completing the requirements 337
prescribed in section 3313.6027 and division (C) of section 338
3313.603 of the Revised Code, unless the person qualifies under 339
division (D) or (F) of that section. Each school shall comply 340
with the plan for awarding high school credit based on 341
demonstration of subject area competency, and beginning with the 342
2017-2018 school year, with the updated plan that permits 343
students enrolled in seventh and eighth grade to meet curriculum 344
requirements based on subject area competency adopted by the 345
state board of education under divisions (J) (1) and (2) of 346
section 3313.603 of the Revised Code. Beginning with the 2018- 347
2019 school year, the school shall comply with the framework for 348
granting units of high school credit to students who demonstrate 349
subject area competency through work-based learning experiences, 350
internships, or cooperative education developed by the 351

department under division (J) (3) of section 3313.603 of the Revised Code. 352
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(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A) (3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school. 354
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(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 360
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 363
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(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 370
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 376
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(i) An internet- or computer-based community school; 379

(ii) A community school in which a majority of the 380

enrolled students are children with disabilities as described in 381
division (A) (4) (b) of section 3314.35 of the Revised Code. 382

(1) The school will comply with section 3321.191 of the 383
Revised Code, unless it is an internet- or computer-based 384
community school that is subject to section 3314.261 of the 385
Revised Code. 386

(12) Arrangements for providing health and other benefits 387
to employees; 388

(13) The length of the contract, which shall begin at the 389
beginning of an academic year. No contract shall exceed five 390
years unless such contract has been renewed pursuant to division 391
(E) of this section. 392

(14) The governing authority of the school, which shall be 393
responsible for carrying out the provisions of the contract; 394

(15) A financial plan detailing an estimated school budget 395
for each year of the period of the contract and specifying the 396
total estimated per pupil expenditure amount for each such year. 397

(16) Requirements and procedures regarding the disposition 398
of employees of the school in the event the contract is 399
terminated or not renewed pursuant to section 3314.07 of the 400
Revised Code; 401

(17) Whether the school is to be created by converting all 402
or part of an existing public school or educational service 403
center building or is to be a new start-up school, and if it is 404
a converted public school or service center building, 405
specification of any duties or responsibilities of an employer 406
that the board of education or service center governing board 407
that operated the school or building before conversion is 408
delegating to the governing authority of the community school 409

with respect to all or any specified group of employees provided 410
the delegation is not prohibited by a collective bargaining 411
agreement applicable to such employees; 412

(18) Provisions establishing procedures for resolving 413
disputes or differences of opinion between the sponsor and the 414
governing authority of the community school; 415

(19) A provision requiring the governing authority to 416
adopt a policy regarding the admission of students who reside 417
outside the district in which the school is located. That policy 418
shall comply with the admissions procedures specified in 419
sections 3314.06 and 3314.061 of the Revised Code and, at the 420
sole discretion of the authority, shall do one of the following: 421

(a) Prohibit the enrollment of students who reside outside 422
the district in which the school is located; 423

(b) Permit the enrollment of students who reside in 424
districts adjacent to the district in which the school is 425
located; 426

(c) Permit the enrollment of students who reside in any 427
other district in the state. 428

(20) A provision recognizing the authority of the 429
department of education to take over the sponsorship of the 430
school in accordance with the provisions of division (C) of 431
section 3314.015 of the Revised Code; 432

(21) A provision recognizing the sponsor's authority to 433
assume the operation of a school under the conditions specified 434
in division (B) of section 3314.073 of the Revised Code; 435

(22) A provision recognizing both of the following: 436

(a) The authority of public health and safety officials to 437

inspect the facilities of the school and to order the facilities 438
closed if those officials find that the facilities are not in 439
compliance with health and safety laws and regulations; 440

(b) The authority of the department of education as the 441
community school oversight body to suspend the operation of the 442
school under section 3314.072 of the Revised Code if the 443
department has evidence of conditions or violations of law at 444
the school that pose an imminent danger to the health and safety 445
of the school's students and employees and the sponsor refuses 446
to take such action. 447

(23) A description of the learning opportunities that will 448
be offered to students including both classroom-based and non- 449
classroom-based learning opportunities that is in compliance 450
with criteria for student participation established by the 451
department under division (H) (2) of section 3314.08 of the 452
Revised Code; 453

(24) The school will comply with sections 3302.04 and 454
3302.041 of the Revised Code, except that any action required to 455
be taken by a school district pursuant to those sections shall 456
be taken by the sponsor of the school. However, the sponsor 457
shall not be required to take any action described in division 458
(F) of section 3302.04 of the Revised Code. 459

(25) Beginning in the 2006-2007 school year, the school 460
will open for operation not later than the thirtieth day of 461
September each school year, unless the mission of the school as 462
specified under division (A) (2) of this section is solely to 463
serve dropouts. In its initial year of operation, if the school 464
fails to open by the thirtieth day of September, or within one 465
year after the adoption of the contract pursuant to division (D) 466
of section 3314.02 of the Revised Code if the mission of the 467

school is solely to serve dropouts, the contract shall be void. 468

(26) Whether the school's governing authority is planning 469
to seek designation for the school as a STEM school equivalent 470
under section 3326.032 of the Revised Code; 471

(27) That the school's attendance and participation 472
policies will be available for public inspection; 473

(28) That the school's attendance and participation 474
records shall be made available to the department of education, 475
auditor of state, and school's sponsor to the extent permitted 476
under and in accordance with the "Family Educational Rights and 477
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 478
and any regulations promulgated under that act, and section 479
3319.321 of the Revised Code; 480

(29) If a school operates using the blended learning 481
model, as defined in section 3301.079 of the Revised Code, all 482
of the following information: 483

(a) An indication of what blended learning model or models 484
will be used; 485

(b) A description of how student instructional needs will 486
be determined and documented; 487

(c) The method to be used for determining competency, 488
granting credit, and promoting students to a higher grade level; 489

(d) The school's attendance requirements, including how 490
the school will document participation in learning 491
opportunities; 492

(e) A statement describing how student progress will be 493
monitored; 494

(f) A statement describing how private student data will be protected;	495 496
(g) A description of the professional development activities that will be offered to teachers.	497 498
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	499 500 501 502
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	503 504 505 506 507
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	508 509 510 511 512
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	513 514 515
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	516 517 518
(1) The process by which the governing authority of the school will be selected in the future;	519 520
(2) The management and administration of the school;	521
(3) If the community school is a currently existing public	522

school or educational service center building, alternative 523
arrangements for current public school students who choose not 524
to attend the converted school and for teachers who choose not 525
to teach in the school or building after conversion; 526

(4) The instructional program and educational philosophy 527
of the school; 528

(5) Internal financial controls. 529

When submitting the plan under this division, the school 530
shall also submit copies of all policies and procedures 531
regarding internal financial controls adopted by the governing 532
authority of the school. 533

(C) A contract entered into under section 3314.02 of the 534
Revised Code between a sponsor and the governing authority of a 535
community school may provide for the community school governing 536
authority to make payments to the sponsor, which is hereby 537
authorized to receive such payments as set forth in the contract 538
between the governing authority and the sponsor. The total 539
amount of such payments for monitoring, oversight, and technical 540
assistance of the school shall not exceed three per cent of the 541
total amount of payments for operating expenses that the school 542
receives from the state. 543

(D) The contract shall specify the duties of the sponsor 544
which shall be in accordance with the written agreement entered 545
into with the department of education under division (B) of 546
section 3314.015 of the Revised Code and shall include the 547
following: 548

(1) Monitor the community school's compliance with all 549
laws applicable to the school and with the terms of the 550
contract; 551

(2) Monitor and evaluate the academic and fiscal	552
performance and the organization and operation of the community	553
school on at least an annual basis;	554
(3) Report on an annual basis the results of the	555
evaluation conducted under division (D)(2) of this section to	556
the department of education and to the parents of students	557
enrolled in the community school;	558
(4) Provide technical assistance to the community school	559
in complying with laws applicable to the school and terms of the	560
contract;	561
(5) Take steps to intervene in the school's operation to	562
correct problems in the school's overall performance, declare	563
the school to be on probationary status pursuant to section	564
3314.073 of the Revised Code, suspend the operation of the	565
school pursuant to section 3314.072 of the Revised Code, or	566
terminate the contract of the school pursuant to section 3314.07	567
of the Revised Code as determined necessary by the sponsor;	568
(6) Have in place a plan of action to be undertaken in the	569
event the community school experiences financial difficulties or	570
closes prior to the end of a school year.	571
(E) Upon the expiration of a contract entered into under	572
this section, the sponsor of a community school may, with the	573
approval of the governing authority of the school, renew that	574
contract for a period of time determined by the sponsor, but not	575
ending earlier than the end of any school year, if the sponsor	576
finds that the school's compliance with applicable laws and	577
terms of the contract and the school's progress in meeting the	578
academic goals prescribed in the contract have been	579
satisfactory. Any contract that is renewed under this division	580

remains subject to the provisions of sections 3314.07, 3314.072,
and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation
within one year after the contract entered into under this
section is adopted pursuant to division (D) of section 3314.02
of the Revised Code or permanently closes prior to the
expiration of the contract, the contract shall be void and the
school shall not enter into a contract with any other sponsor. A
school shall not be considered permanently closed because the
operations of the school have been suspended pursuant to section
3314.072 of the Revised Code.

Sec. 3319.223. (A) The superintendent of public
instruction and the chancellor of higher education jointly shall
establish the Ohio teacher residency program, which shall be a
two-year, entry-level program for classroom teachers. Except as
provided in division (B) of this section, the teacher residency
program shall include at least the following components:

(1) Mentoring by teachers, which may be provided online
or in person. The department of education shall provide
participants and mentors with access to online professional
development resources and sample videos of Ohio classroom
lessons submitted for the assessment prescribed under division
(A)(3) of this section at no cost.

(2) Counseling, as determined necessary by the school
district or school, to ensure that program participants receive
needed professional development. The department shall provide
to each participant who does not receive a passing score on the
assessment under division (A)(3) of this section, at no cost,
the opportunity to meet online with an instructional coach who
is a certified assessor of the assessment to review the

participant's assessment score results and discuss improvement 611
strategies and professional development. 612

Participants who choose to meet with an instructional 613
coach shall select from an online pool of instructional coaches 614
who have completed training and are approved by the department. 615
The characteristics of each coach's school or district, 616
including its size, typology, and demographics, shall be made 617
available. However, participants shall not be required to choose 618
an instructional coach from a similar district or school. 619

Participants who have not taken the assessment under 620
division (A) (3) of this section may meet online with department- 621
approved instructional coaches if the participant's school 622
district or school pays the costs associated with the meetings. 623

(3) Measures of appropriate progression through the 624
program, which shall include the performance-based assessment 625
prescribed by the state board of education for resident 626
educators. The state board shall not limit the number of 627
attempts to successfully complete the performance-based 628
assessment. 629

An individual may submit the assessment between the first 630
Tuesday of October and the first Friday of April of the 631
individual's second year of the program. The results of the 632
assessment shall be returned within thirty days unless a new 633
assessor is contracted, in which case the results shall be 634
returned in forty-five days. 635

(B) No individual who is teaching career-technical courses 636
under an alternative resident educator license issued under 637
section 3319.26 of the Revised Code or rule of the state board 638
shall be required to do either of the following: 639

(1) Complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license. 640
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(2) Take a performance-based assessment. 645

(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 646
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(D) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code. 650
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Sec. 3319.225. Beginning with the first school year that begins on or after the effective date of this section, the board of education of each school district shall provide one day of professional development leave each school year, to observe a veteran classroom teacher, for each teacher employed by the district who is licensed under section 3319.22 of the Revised Code and who is not a superintendent, assistant superintendent, principal, assistant principal, or other administrator, as defined in section 3319.02 of the Revised Code. 657
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Each local professional development committee established under section 3319.22 of the Revised Code shall consider a teacher's observation of a veteran teacher as part of the 666
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continuing education required for license renewal under that 669
section. 670

Sec. 3319.26. (A) The state board of education shall adopt 671
rules establishing the standards and requirements for obtaining 672
an alternative resident educator license for teaching in grades 673
kindergarten to twelve, or the equivalent, in a designated 674
subject area or in the area of intervention specialist, as 675
defined by rule of the state board. The rules shall also include 676
the reasons for which an alternative resident educator license 677
may be renewed under division (D) of this section. 678

(B) The superintendent of public instruction and the 679
chancellor of higher education jointly shall develop an 680
intensive pedagogical training institute to provide instruction 681
in the principles and practices of teaching for individuals 682
seeking an alternative resident educator license. The 683
instruction shall cover such topics as student development and 684
learning, pupil assessment procedures, curriculum development, 685
classroom management, and teaching methodology. 686

(C) The rules adopted under this section shall require 687
applicants for the alternative resident educator license to 688
satisfy the following conditions prior to issuance of the 689
license, but they shall not require applicants to have completed 690
a major or coursework in the subject area for which application 691
is being made: 692

(1) Hold a minimum of a baccalaureate degree; 693

(2) Successfully complete the pedagogical training 694
institute described in division (B) of this section or the 695
preservice training provided to participants of a teacher 696
preparation program that has been approved by the chancellor. 697

The chancellor may approve any such program that requires 698
participants to hold a bachelor's degree; have either a 699
cumulative undergraduate grade point average of at least 2.5 out 700
of 4.0, or its equivalent or a cumulative graduate school grade 701
point average of at least 3.0 out of 4.0; and successfully 702
complete the program's preservice training. 703

(3) Pass an examination in the subject area for which 704
application is being made. 705

(D) An alternative resident educator license shall be 706
valid for ~~four~~ two years and shall be renewable for reasons 707
specified by rules adopted by the state board pursuant to 708
division (A) of this section. The state board, on a case-by-case 709
basis, may extend the license's duration as necessary to enable 710
the license holder to complete the Ohio teacher residency 711
program established under section 3319.223 of the Revised Code. 712

(E) The rules shall require the holder of an alternative 713
resident educator license, as a condition of continuing to hold 714
the license, to do all of the following: 715

(1) Participate in the Ohio teacher residency program 716
under section 3319.223 of the Revised Code; 717

(2) Show satisfactory progress in taking and successfully 718
completing one of the following: 719

(a) At least twelve additional semester hours, or the 720
equivalent, of college coursework in the principles and 721
practices of teaching in such topics as student development and 722
learning, pupil assessment procedures, curriculum development, 723
classroom management, and teaching methodology; 724

(b) Professional development provided by a teacher 725
preparation program that has been approved by the chancellor 726

under division (C) (2) of this section.	727
(3) Take an assessment of professional knowledge in the second year of teaching under the license.	728 729
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	730 731 732 733
(1) Four <u>Two</u> years of teaching under the alternative license;	734 735
(2) The additional college coursework or professional development described in division (E) (2) of this section;	736 737
(3) The assessment of professional knowledge described in division (E) (3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	738 739 740 741 742 743
(4) The Ohio teacher residency program;	744
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	745 746 747
(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section.	748 749 750 751 752 753
<u>(H) The holder of an alternative resident educator license</u>	754

may teach preschool students under that licensure. 755

Sec. 3326.11. Each science, technology, engineering, and 756
mathematics school established under this chapter and its 757
governing body shall comply with sections 9.90, 9.91, 109.65, 758
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 759
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 760
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 761
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 762
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 763
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 764
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 765
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 766
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 767
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 768
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 769
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 770
3319.073, 3319.077, 3319.078, 3319.21, 3319.225, 3319.238, 771
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 772
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 773
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 774
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 775
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 776
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 777
the Revised Code as if it were a school district. 778

Sec. 3792.05. (A) As used in this section: 779

(1) "Chartered nonpublic school" has the same meaning as 780
in section 3310.01 of the Revised Code. 781

(2) "COVID-19 immunity passport" means a document, digital 782
record, or software application indicating vaccination against 783
or recovery from COVID-19. 784

(3) "Public school" has the same meaning as in section 3792.04 of the Revised Code. 785
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(B) No public or chartered nonpublic school shall discriminate against an individual, including by excluding, penalizing, or segregating the individual, refusing to enroll the individual, or withholding from or denying to the individual any advantage, facility, good, opportunity, privilege, or service, based on either of the following: 787
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(1) Whether or not the individual has received one or more doses of a vaccine against COVID-19, including any of its variants; 793
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(2) Whether or not the individual uses a COVID-19 immunity passport. 796
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Section 2. That existing sections 3314.03, 3319.223, 3319.26, and 3326.11 of the Revised Code are hereby repealed. 798
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Section 3. That sections 5.224, 5.281, 9.231, 9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40, 121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 133.061, 135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 921.06, 2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 2950.11, 2953.32, 3301.01, 3301.07, 3301.071, 3301.072, 3301.075, 3301.076, 3301.078, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0713, 3301.0714, 3301.0715, 3301.0716, 3301.0717, 3301.0718, 3301.0719, 3301.0720, 3301.0721, 3301.0723, 3301.0725, 3301.0726, 3301.0728, 3301.0730, 3301.10, 3301.11, 3301.12, 3301.121, 3301.131, 3301.133, 3301.134, 3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 3301.162, 800
801
802
803
804
805
806
807
808
809
810
811
812
813

3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 3301.23, 3301.27,	814
3301.28, 3301.30, 3301.311, 3301.40, 3301.45, 3301.49, 3301.52,	815
3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 3301.56, 3301.57,	816
3301.58, 3301.59, 3301.61, 3301.62, 3301.63, 3301.64, 3301.68,	817
3301.70, 3301.80, 3301.81, 3301.923, 3301.94, 3301.941,	818
3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031,	819
3302.032, 3302.033, 3302.034, 3302.035, 3302.036, 3302.037,	820
3302.038, 3302.039, 3302.04, 3302.041, 3302.042, 3302.043,	821
3302.05, 3302.06, 3302.062, 3302.063, 3302.066, 3302.068,	822
3302.07, 3302.09, 3302.10, 3302.103, 3302.11, 3302.12, 3302.13,	823
3302.14, 3302.15, 3302.151, 3302.17, 3302.20, 3302.21, 3302.22,	824
3302.25, 3302.26, 3302.41, 3302.42, 3303.02, 3303.04, 3303.05,	825
3303.06, 3303.20, 3304.12, 3307.01, 3307.05, 3307.31, 3309.011,	826
3309.48, 3309.491, 3309.51, 3310.01, 3310.02, 3310.03, 3310.031,	827
3310.032, 3310.033, 3310.036, 3310.07, 3310.11, 3310.13,	828
3310.14, 3310.15, 3310.16, 3310.17, 3310.41, 3310.411, 3310.42,	829
3310.51, 3310.52, 3310.521, 3310.522, 3310.53, 3310.58, 3310.59,	830
3310.62, 3310.63, 3310.64, 3310.70, 3311.056, 3311.08, 3311.16,	831
3311.17, 3311.19, 3311.191, 3311.213, 3311.214, 3311.217,	832
3311.218, 3311.521, 3311.53, 3311.60, 3311.71, 3311.74,	833
3311.741, 3311.76, 3311.86, 3311.87, 3312.01, 3312.02, 3312.04,	834
3312.07, 3312.08, 3312.09, 3312.13, 3313.03, 3313.25, 3313.30,	835
3313.413, 3313.472, 3313.48, 3313.483, 3313.484, 3313.487,	836
3313.488, 3313.489, 3313.4810, 3313.531, 3313.532, 3313.533,	837
3313.534, 3313.5310, 3313.5312, 3313.5314, 3313.56, 3313.57,	838
3313.60, 3313.603, 3313.605, 3313.608, 3313.6011, 3313.6013,	839
3313.6015, 3313.6016, 3313.6019, 3313.6020, 3313.6024,	840
3313.6027, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615,	841
3313.618, 3313.619, 3313.6110, 3313.6111, 3313.6112, 3313.6113,	842
3313.6114, 3313.64, 3313.642, 3313.643, 3313.644, 3313.645,	843
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66, 3313.662,	844
3313.671, 3313.674, 3313.71, 3313.7110, 3313.7111, 3313.7112,	845

3313.7113, 3313.7114, 3313.7115, 3313.7116, 3313.81, 3313.811,	846
3313.813, 3313.814, 3313.815, 3313.817, 3313.818, 3313.821,	847
3313.843, 3313.844, 3313.845, 3313.846, 3313.90, 3313.902,	848
3313.903, 3313.904, 3313.905, 3313.906, 3313.91, 3313.911,	849
3313.92, 3313.941, 3313.97, 3313.974, 3313.975, 3313.976,	850
3313.978, 3313.979, 3313.98, 3313.981, 3313.982, 3314.011,	851
3314.012, 3314.013, 3314.015, 3314.016, 3314.017, 3314.02,	852
3314.021, 3314.023, 3314.025, 3314.027, 3314.029, 3314.0211,	853
3314.03, 3314.032, 3314.034, 3314.035, 3314.038, 3314.039,	854
3314.041, 3314.05, 3314.06, 3314.072, 3314.074, 3314.08,	855
3314.081, 3314.083, 3314.087, 3314.091, 3314.10, 3314.101,	856
3314.11, 3314.12, 3314.143, 3314.144, 3314.147, 3314.17,	857
3314.18, 3314.19, 3314.191, 3314.20, 3314.21, 3314.22, 3314.232,	858
3314.24, 3314.26, 3314.27, 3314.271, 3314.28, 3314.29, 3314.35,	859
3314.351, 3314.353, 3314.354, 3314.36, 3314.38, 3314.50,	860
3314.51, 3315.18, 3315.181, 3315.33, 3315.34, 3315.35, 3316.03,	861
3316.031, 3316.04, 3316.041, 3316.042, 3316.05, 3316.06,	862
3316.08, 3316.20, 3317.01, 3317.011, 3317.012, 3317.014,	863
3317.015, 3317.017, 3317.019, 3317.02, 3317.021, 3317.022,	864
3317.023, 3317.024, 3317.025, 3317.026, 3317.028, 3317.0211,	865
3317.0212, 3317.0213, 3317.0214, 3317.0215, 3317.0217,	866
3317.0218, 3317.03, 3317.031, 3317.032, 3317.033, 3317.036,	867
3317.037, 3317.05, 3317.051, 3317.06, 3317.061, 3317.062,	868
3317.063, 3317.064, 3317.07, 3317.071, 3317.072, 3317.08,	869
3317.081, 3317.082, 3317.09, 3317.10, 3317.11, 3317.12, 3317.13,	870
3317.14, 3317.141, 3317.15, 3317.16, 3317.161, 3317.162,	871
3317.164, 3317.18, 3317.19, 3317.201, 3317.23, 3317.231,	872
3317.24, 3317.25, 3317.40, 3317.50, 3317.51, 3318.011, 3318.033,	873
3318.051, 3318.08, 3318.084, 3318.18, 3318.363, 3318.42,	874
3319.02, 3319.073, 3319.074, 3319.077, 3319.111, 3319.112,	875
3319.113, 3319.143, 3319.151, 3319.16, 3319.161, 3319.22,	876
3319.221, 3319.224, 3319.228, 3319.229, 3319.231, 3319.234,	877

3319.235, 3319.236, 3319.25, 3319.262, 3319.263, 3319.28,	878
3319.291, 3319.292, 3319.316, 3319.319, 3319.33, 3319.35,	879
3319.361, 3319.39, 3319.391, 3319.393, 3319.40, 3319.44,	880
3319.46, 3319.55, 3319.56, 3319.57, 3319.60, 3319.61, 3319.611,	881
3319.612, 3319.613, 3321.01, 3321.03, 3321.04, 3321.07, 3321.09,	882
3321.12, 3321.13, 3321.18, 3321.19, 3321.191, 3323.01, 3323.011,	883
3323.02, 3323.021, 3323.022, 3323.03, 3323.04, 3323.041,	884
3323.05, 3323.051, 3323.052, 3323.06, 3323.07, 3323.08, 3323.09,	885
3323.091, 3323.13, 3323.14, 3323.141, 3323.142, 3323.15,	886
3323.17, 3323.19, 3323.20, 3323.25, 3323.251, 3323.32, 3323.33,	887
3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 3324.06, 3324.07,	888
3324.08, 3324.09, 3324.10, 3324.11, 3325.01, 3325.011, 3325.02,	889
3325.03, 3325.04, 3325.05, 3325.06, 3325.07, 3325.071, 3325.08,	890
3325.09, 3325.11, 3325.12, 3325.13, 3325.14, 3325.16, 3325.17,	891
3326.02, 3326.03, 3326.032, 3326.04, 3326.08, 3326.081, 3326.15,	892
3326.17, 3326.211, 3326.23, 3326.28, 3326.30, 3326.32, 3326.34,	893
3326.35, 3326.36, 3326.37, 3326.45, 3326.51, 3326.60, 3327.01,	894
3327.011, 3327.012, 3327.018, 3327.02, 3327.021, 3327.05,	895
3327.08, 3327.10, 3327.101, 3327.13, 3327.14, 3327.16, 3328.01,	896
3328.02, 3328.04, 3328.11, 3328.12, 3328.13, 3328.15, 3328.18,	897
3328.23, 3328.26, 3328.29, 3328.30, 3328.31, 3328.34, 3328.35,	898
3328.37, 3328.38, 3328.45, 3328.50, 3329.01, 3329.03, 3329.10,	899
3331.01, 3331.02, 3331.04, 3331.08, 3332.02, 3332.03, 3332.04,	900
3333.04, 3333.041, 3333.048, 3333.0411, 3333.0415, 3333.07,	901
3333.162, 3333.167, 3333.21, 3333.31, 3333.34, 3333.35, 3333.37,	902
3333.39, 3333.391, 3333.43, 3333.66, 3333.70, 3333.82, 3333.86,	903
3333.87, 3333.91, 3335.36, 3335.61, 3343.05, 3345.06, 3345.061,	904
3345.062, 3345.86, 3353.02, 3365.01, 3365.02, 3365.03, 3365.032,	905
3365.033, 3365.034, 3365.035, 3365.04, 3365.05, 3365.06,	906
3365.07, 3365.071, 3365.08, 3365.09, 3365.091, 3365.10, 3365.12,	907
3365.15, 3375.01, 3701.507, 3701.78, 3705.36, 3707.58, 3707.59,	908
3734.62, 3737.22, 3742.32, 3745.21, 3781.106, 3781.11, 3798.01,	909

4109.01, 4109.06, 4109.07, 4109.22, 4112.04, 4112.12, 4117.10, 910
4117.102, 4141.01, 4141.47, 4506.09, 4506.10, 4507.21, 4508.01, 911
4511.21, 4511.75, 4511.76, 4709.07, 4709.10, 4713.02, 4732.10, 912
4732.22, 4735.09, 4742.02, 4742.03, 4742.05, 4742.06, 4742.07, 913
4743.03, 4747.10, 4757.41, 4758.61, 4779.13, 5101.061, 5101.34, 914
5103.02, 5103.08, 5103.13, 5103.55, 5104.01, 5104.015, 5104.02, 915
5104.053, 5104.08, 5104.29, 5104.30, 5107.281, 5107.287, 916
5107.40, 5107.62, 5120.031, 5120.07, 5120.091, 5123.022, 917
5123.023, 5123.025, 5123.026, 5123.0423, 5126.04, 5126.05, 918
5126.23, 5126.24, 5139.34, 5145.06, 5162.363, 5162.365, 919
5502.262, 5502.263, 5513.04, 5703.21, 5705.216, 5705.391, 920
5705.412, 5709.07, 5709.92, 5715.26, 5715.34, 5747.057, 5747.72, 921
5753.11, 6109.21, 6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 922
6301.21, 6301.22, and 6301.23 be amended and new section 3301.13 923
and sections 3301.0731, 3301.111, 3301.132, and 3321.042 of the 924
Revised Code be enacted to read as follows: 925

Sec. 5.224. The first day of March is designated as "Ohio 926
statehood day," in recognition of the date in 1803 when Ohio 927
became a state. In addition to those duties imposed on the Ohio 928
history connection under section 149.30 of the Revised Code, and 929
those duties imposed on the ~~superintendent of public instruction~~ 930
director of education and workforce under section 3301.12 of the 931
Revised Code, the Ohio history connection shall, throughout the 932
state, and the ~~superintendent~~ director shall, in all school 933
districts, encourage and promote the celebration of "Ohio 934
statehood day." 935

Sec. 5.281. Beginning in 2018, and every year thereafter, 936
the full week beginning on the first Monday in May is designated 937
as in-demand jobs week. 938

Every year during in-demand jobs week, the governor's 939

office of workforce transformation, in collaboration with the 940
departments of job and family services, education and workforce, 941
and higher education, shall organize activities to raise 942
awareness among educators, students, and parents of jobs that 943
are in demand by employers operating in this state and the 944
requirements and benefits of those jobs. The activities shall 945
include job fairs and company tours to connect middle and high 946
school students with employers. 947

Sec. 9.231. (A) (1) Subject to divisions (A) (2) and (3) of 948
this section, a governmental entity shall not disburse money 949
totaling twenty-five thousand dollars or more to any person for 950
the provision of services for the primary benefit of individuals 951
or the public and not for the primary benefit of a governmental 952
entity or the employees of a governmental entity, unless the 953
contracting authority of the governmental entity first enters 954
into a written contract with the person that is signed by the 955
person or by an officer or agent of the person authorized to 956
legally bind the person and that embodies all of the 957
requirements and conditions set forth in sections 9.23 to 9.236 958
of the Revised Code. If the disbursement of money occurs over 959
the course of a governmental entity's fiscal year, rather than 960
in a lump sum, the contracting authority of the governmental 961
entity shall enter into the written contract with the person at 962
the point during the governmental entity's fiscal year that at 963
least seventy-five thousand dollars has been disbursed by the 964
governmental entity to the person. Thereafter, the contracting 965
authority of the governmental entity shall enter into the 966
written contract with the person at the beginning of the 967
governmental entity's fiscal year, if, during the immediately 968
preceding fiscal year, the governmental entity disbursed to that 969
person an aggregate amount totaling at least seventy-five 970

thousand dollars. 971

(2) If the money referred to in division (A)(1) of this 972
section is disbursed by or through more than one state agency to 973
the person for the provision of services to the same population, 974
the contracting authorities of those agencies shall determine 975
which one of them will enter into the written contract with the 976
person. 977

(3) The requirements and conditions set forth in divisions 978
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and 979
(2) and (B) of section 9.234, divisions (A)(2) and (B) of 980
section 9.235, and sections 9.233 and 9.236 of the Revised Code 981
do not apply with respect to the following: 982

(a) Contracts to which all of the following apply: 983

(i) The amount received for the services is a set fee for 984
each time the services are provided, is determined in accordance 985
with a fixed rate per unit of time or per service, or is a 986
capitated rate, and the fee or rate is established by 987
competitive bidding or by a market rate survey of similar 988
services provided in a defined market area. The market rate 989
survey may be one conducted by or on behalf of the governmental 990
entity or an independent survey accepted by the governmental 991
entity as statistically valid and reliable. 992

(ii) The services are provided in accordance with 993
standards established by state or federal law, or by rules or 994
regulations adopted thereunder, for their delivery, which 995
standards are enforced by the federal government, a governmental 996
entity, or an accrediting organization recognized by the federal 997
government or a governmental entity. 998

(iii) Payment for the services is made after the services 999

are delivered and upon submission to the governmental entity of 1000
an invoice or other claim for payment as required by any 1001
applicable local, state, or federal law or, if no such law 1002
applies, by the terms of the contract. 1003

(b) Contracts under which the services are reimbursed 1004
through or in a manner consistent with a federal program that 1005
meets all of the following requirements: 1006

(i) The program calculates the reimbursement rate on the 1007
basis of the previous year's experience or in accordance with an 1008
alternative method set forth in rules adopted by the Ohio 1009
department of job and family services. 1010

(ii) The reimbursement rate is derived from a breakdown of 1011
direct and indirect costs. 1012

(iii) The program's guidelines describe types of 1013
expenditures that are allowable and not allowable under the 1014
program and delineate which costs are acceptable as direct costs 1015
for purposes of calculating the reimbursement rate. 1016

(iv) The program includes a uniform cost reporting system 1017
with specific audit requirements. 1018

(c) Contracts under which the services are reimbursed 1019
through or in a manner consistent with a federal program that 1020
calculates the reimbursement rate on a fee for service basis in 1021
compliance with United States office of management and budget 1022
Circular A-87, as revised May 10, 2004. 1023

(d) Contracts for services that are paid pursuant to the 1024
earmarking of an appropriation made by the general assembly for 1025
that purpose. 1026

(B) Division (A) of this section does not apply if the 1027

money is disbursed to a person pursuant to a contract with the 1028
United States or a governmental entity under any of the 1029
following circumstances: 1030

(1) The person receives the money directly or indirectly 1031
from the United States, and no governmental entity exercises any 1032
oversight or control over the use of the money. 1033

(2) The person receives the money solely in return for the 1034
performance of one or more of the following types of services: 1035

(a) Medical, therapeutic, or other health-related services 1036
provided by a person if the amount received is a set fee for 1037
each time the person provides the services, is determined in 1038
accordance with a fixed rate per unit of time, or is a capitated 1039
rate, and the fee or rate is reasonable and customary in the 1040
person's trade or profession; 1041

(b) Medicaid-funded services, including administrative and 1042
management services, provided pursuant to a contract or medicaid 1043
provider agreement that meets the requirements of the medicaid 1044
program. 1045

(c) Services, other than administrative or management 1046
services or any of the services described in division (B) (2) (a) 1047
or (b) of this section, that are commonly purchased by the 1048
public at an hourly rate or at a set fee for each time the 1049
services are provided, unless the services are performed for the 1050
benefit of children, persons who are eligible for the services 1051
by reason of advanced age, medical condition, or financial need, 1052
or persons who are confined in a detention facility as defined 1053
in section 2921.01 of the Revised Code, and the services are 1054
intended to help promote the health, safety, or welfare of those 1055
children or persons; 1056

(d) Educational services provided by a school to children 1057
eligible to attend that school. For purposes of division (B)(2) 1058
(d) of this section, "school" means any school operated by a 1059
school district board of education, any community school 1060
established under Chapter 3314. of the Revised Code, or any 1061
nonpublic school for which the ~~state board~~ director of education 1062
and workforce prescribes minimum education standards under 1063
section 3301.07 of the Revised Code. 1064

(e) Services provided by a foster home as defined in 1065
section 5103.02 of the Revised Code; 1066

(f) "Routine business services other than administrative 1067
or management services," as that term is defined by the attorney 1068
general by rule adopted in accordance with Chapter 119. of the 1069
Revised Code; 1070

(g) Services to protect the environment or promote 1071
environmental education that are provided by a nonprofit entity 1072
or services to protect the environment that are funded with 1073
federal grants or revolving loan funds and administered in 1074
accordance with federal law. 1075

(3) The person receives the money solely in return for the 1076
performance of services intended to help preserve public health 1077
or safety under circumstances requiring immediate action as a 1078
result of a natural or man-made emergency. 1079

(C) With respect to an unincorporated nonprofit 1080
association, corporation, or organization established for the 1081
purpose of providing educational, technical, consulting, 1082
training, financial, or other services to its members in 1083
exchange for membership dues and other fees, any of the services 1084
provided to a member that is a governmental entity shall, for 1085

purposes of this section, be considered services "for the 1086
primary benefit of a governmental entity or the employees of a 1087
governmental entity." 1088

Sec. 9.55. (A) As used in this section, "state agency" 1089
means the house of representatives, the senate, the governor, 1090
the secretary of state, the auditor of state, the treasurer of 1091
state, the attorney general, the department of job and family 1092
services, the department of commerce, the department of 1093
developmental disabilities, the department of education and 1094
workforce, the department of health, the department of aging, 1095
the governor's office of advocacy for disabled persons, and the 1096
civil rights commission. 1097

(B) Each state agency shall install in its offices at 1098
least one teletypewriter designed to receive printed messages 1099
from and transmit printed messages to deaf or hearing-impaired 1100
persons. 1101

Sec. 102.02. (A) (1) Except as otherwise provided in 1102
division (H) of this section, all of the following shall file 1103
with the appropriate ethics commission the disclosure statement 1104
described in this division on a form prescribed by the 1105
appropriate commission: every person who is elected to or is a 1106
candidate for a state, county, or city office and every person 1107
who is appointed to fill a vacancy for an unexpired term in such 1108
an elective office; all members of the state board of education; 1109
the director, assistant directors, deputy directors, division 1110
chiefs, or persons of equivalent rank of any administrative 1111
department of the state; the president or other chief 1112
administrative officer of every state institution of higher 1113
education as defined in section 3345.011 of the Revised Code; 1114
the executive director and the members of the capitol square 1115

review and advisory board appointed or employed pursuant to 1116
section 105.41 of the Revised Code; all members of the Ohio 1117
casino control commission, the executive director of the 1118
commission, all professional employees of the commission, and 1119
all technical employees of the commission who perform an 1120
internal audit function; the individuals set forth in division 1121
(B) (2) of section 187.03 of the Revised Code; the chief 1122
executive officer and the members of the board of each state 1123
retirement system; each employee of a state retirement board who 1124
is a state retirement system investment officer licensed 1125
pursuant to section 1707.163 of the Revised Code; the members of 1126
the Ohio retirement study council appointed pursuant to division 1127
(C) of section 171.01 of the Revised Code; employees of the Ohio 1128
retirement study council, other than employees who perform 1129
purely administrative or clerical functions; the administrator 1130
of workers' compensation and each member of the bureau of 1131
workers' compensation board of directors; the bureau of workers' 1132
compensation director of investments; the chief investment 1133
officer of the bureau of workers' compensation; all members of 1134
the board of commissioners on grievances and discipline of the 1135
supreme court and the ethics commission created under section 1136
102.05 of the Revised Code; every business manager, treasurer, 1137
or superintendent of a city, local, exempted village, joint 1138
vocational, or cooperative education school district or an 1139
educational service center; every person who is elected to or is 1140
a candidate for the office of member of a board of education of 1141
a city, local, exempted village, joint vocational, or 1142
cooperative education school district or of a governing board of 1143
an educational service center that has a total student count of 1144
twelve thousand or more as most recently determined by the 1145
department of education and workforce pursuant to section 1146
3317.03 of the Revised Code; every person who is appointed to 1147

the board of education of a municipal school district pursuant 1148
to division (B) or (F) of section 3311.71 of the Revised Code; 1149
all members of the board of directors of a sanitary district 1150
that is established under Chapter 6115. of the Revised Code and 1151
organized wholly for the purpose of providing a water supply for 1152
domestic, municipal, and public use, and that includes two 1153
municipal corporations in two counties; every public official or 1154
employee who is paid a salary or wage in accordance with 1155
schedule C of section 124.15 or schedule E-2 of section 124.152 1156
of the Revised Code; all members appointed to the Ohio livestock 1157
care standards board under section 904.02 of the Revised Code; 1158
all entrepreneurs in residence assigned by the LeanOhio office 1159
in the department of administrative services under section 1160
125.65 of the Revised Code and every other public official or 1161
employee who is designated by the appropriate ethics commission 1162
pursuant to division (B) of this section. 1163

(2) The disclosure statement shall include all of the 1164
following: 1165

(a) The name of the person filing the statement and each 1166
member of the person's immediate family and all names under 1167
which the person or members of the person's immediate family do 1168
business; 1169

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 1170
this section and except as otherwise provided in section 102.022 1171
of the Revised Code, identification of every source of income, 1172
other than income from a legislative agent identified in 1173
division (A) (2) (b) (ii) of this section, received during the 1174
preceding calendar year, in the person's own name or by any 1175
other person for the person's use or benefit, by the person 1176
filing the statement, and a brief description of the nature of 1177

the services for which the income was received. If the person 1178
filing the statement is a member of the general assembly, the 1179
statement shall identify the amount of every source of income 1180
received in accordance with the following ranges of amounts: 1181
zero or more, but less than one thousand dollars; one thousand 1182
dollars or more, but less than ten thousand dollars; ten 1183
thousand dollars or more, but less than twenty-five thousand 1184
dollars; twenty-five thousand dollars or more, but less than 1185
fifty thousand dollars; fifty thousand dollars or more, but less 1186
than one hundred thousand dollars; and one hundred thousand 1187
dollars or more. Division (A) (2) (b) (i) of this section shall not 1188
be construed to require a person filing the statement who 1189
derives income from a business or profession to disclose the 1190
individual items of income that constitute the gross income of 1191
that business or profession, except for those individual items 1192
of income that are attributable to the person's or, if the 1193
income is shared with the person, the partner's, solicitation of 1194
services or goods or performance, arrangement, or facilitation 1195
of services or provision of goods on behalf of the business or 1196
profession of clients, including corporate clients, who are 1197
legislative agents. A person who files the statement under this 1198
section shall disclose the identity of and the amount of income 1199
received from a person who the public official or employee knows 1200
or has reason to know is doing or seeking to do business of any 1201
kind with the public official's or employee's agency. 1202

(ii) If the person filing the statement is a member of the 1203
general assembly, the statement shall identify every source of 1204
income and the amount of that income that was received from a 1205
legislative agent during the preceding calendar year, in the 1206
person's own name or by any other person for the person's use or 1207
benefit, by the person filing the statement, and a brief 1208

description of the nature of the services for which the income 1209
was received. Division (A) (2) (b) (ii) of this section requires 1210
the disclosure of clients of attorneys or persons licensed under 1211
section 4732.12 of the Revised Code, or patients of persons 1212
licensed under section 4731.14 of the Revised Code, if those 1213
clients or patients are legislative agents. Division (A) (2) (b) 1214
(ii) of this section requires a person filing the statement who 1215
derives income from a business or profession to disclose those 1216
individual items of income that constitute the gross income of 1217
that business or profession that are received from legislative 1218
agents. 1219

(iii) Except as otherwise provided in division (A) (2) (b) 1220
(iii) of this section, division (A) (2) (b) (i) of this section 1221
applies to attorneys, physicians, and other persons who engage 1222
in the practice of a profession and who, pursuant to a section 1223
of the Revised Code, the common law of this state, a code of 1224
ethics applicable to the profession, or otherwise, generally are 1225
required not to reveal, disclose, or use confidences of clients, 1226
patients, or other recipients of professional services except 1227
under specified circumstances or generally are required to 1228
maintain those types of confidences as privileged communications 1229
except under specified circumstances. Division (A) (2) (b) (i) of 1230
this section does not require an attorney, physician, or other 1231
professional subject to a confidentiality requirement as 1232
described in division (A) (2) (b) (iii) of this section to disclose 1233
the name, other identity, or address of a client, patient, or 1234
other recipient of professional services if the disclosure would 1235
threaten the client, patient, or other recipient of professional 1236
services, would reveal details of the subject matter for which 1237
legal, medical, or professional advice or other services were 1238
sought, or would reveal an otherwise privileged communication 1239

involving the client, patient, or other recipient of 1240
professional services. Division (A) (2) (b) (i) of this section 1241
does not require an attorney, physician, or other professional 1242
subject to a confidentiality requirement as described in 1243
division (A) (2) (b) (iii) of this section to disclose in the brief 1244
description of the nature of services required by division (A) 1245
(2) (b) (i) of this section any information pertaining to specific 1246
professional services rendered for a client, patient, or other 1247
recipient of professional services that would reveal details of 1248
the subject matter for which legal, medical, or professional 1249
advice was sought or would reveal an otherwise privileged 1250
communication involving the client, patient, or other recipient 1251
of professional services. 1252

(c) The name of every corporation on file with the 1253
secretary of state that is incorporated in this state or holds a 1254
certificate of compliance authorizing it to do business in this 1255
state, trust, business trust, partnership, or association that 1256
transacts business in this state in which the person filing the 1257
statement or any other person for the person's use and benefit 1258
had during the preceding calendar year an investment of over one 1259
thousand dollars at fair market value as of the thirty-first day 1260
of December of the preceding calendar year, or the date of 1261
disposition, whichever is earlier, or in which the person holds 1262
any office or has a fiduciary relationship, and a description of 1263
the nature of the investment, office, or relationship. Division 1264
(A) (2) (c) of this section does not require disclosure of the 1265
name of any bank, savings and loan association, credit union, or 1266
building and loan association with which the person filing the 1267
statement has a deposit or a withdrawable share account. 1268

(d) All fee simple and leasehold interests to which the 1269
person filing the statement holds legal title to or a beneficial 1270

interest in real property located within the state, excluding 1271
the person's residence and property used primarily for personal 1272
recreation; 1273

(e) The names of all persons residing or transacting 1274
business in the state to whom the person filing the statement 1275
owes, in the person's own name or in the name of any other 1276
person, more than one thousand dollars. Division (A) (2) (e) of 1277
this section shall not be construed to require the disclosure of 1278
debts owed by the person resulting from the ordinary conduct of 1279
a business or profession or debts on the person's residence or 1280
real property used primarily for personal recreation, except 1281
that the superintendent of financial institutions and any deputy 1282
superintendent of banks shall disclose the names of all state- 1283
chartered banks and all bank subsidiary corporations subject to 1284
regulation under section 1109.44 of the Revised Code to whom the 1285
superintendent or deputy superintendent owes any money. 1286

(f) The names of all persons residing or transacting 1287
business in the state, other than a depository excluded under 1288
division (A) (2) (c) of this section, who owe more than one 1289
thousand dollars to the person filing the statement, either in 1290
the person's own name or to any person for the person's use or 1291
benefit. Division (A) (2) (f) of this section shall not be 1292
construed to require the disclosure of clients of attorneys or 1293
persons licensed under section 4732.12 of the Revised Code, or 1294
patients of persons licensed under section 4731.14 of the 1295
Revised Code, nor the disclosure of debts owed to the person 1296
resulting from the ordinary conduct of a business or profession. 1297

(g) Except as otherwise provided in section 102.022 of the 1298
Revised Code, the source of each gift of over seventy-five 1299
dollars, or of each gift of over twenty-five dollars received by 1300

a member of the general assembly from a legislative agent, 1301
received by the person in the person's own name or by any other 1302
person for the person's use or benefit during the preceding 1303
calendar year, except gifts received by will or by virtue of 1304
section 2105.06 of the Revised Code, or received from spouses, 1305
parents, grandparents, children, grandchildren, siblings, 1306
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1307
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 1308
or any person to whom the person filing the statement stands in 1309
loco parentis, or received by way of distribution from any inter 1310
vivos or testamentary trust established by a spouse or by an 1311
ancestor; 1312

(h) Except as otherwise provided in section 102.022 of the 1313
Revised Code, identification of the source and amount of every 1314
payment of expenses incurred for travel to destinations inside 1315
or outside this state that is received by the person in the 1316
person's own name or by any other person for the person's use or 1317
benefit and that is incurred in connection with the person's 1318
official duties, except for expenses for travel to meetings or 1319
conventions of a national or state organization to which any 1320
state agency, including, but not limited to, any legislative 1321
agency or state institution of higher education as defined in 1322
section 3345.011 of the Revised Code, pays membership dues, or 1323
any political subdivision or any office or agency of a political 1324
subdivision pays membership dues; 1325

(i) Except as otherwise provided in section 102.022 of the 1326
Revised Code, identification of the source of payment of 1327
expenses for meals and other food and beverages, other than for 1328
meals and other food and beverages provided at a meeting at 1329
which the person participated in a panel, seminar, or speaking 1330
engagement or at a meeting or convention of a national or state 1331

organization to which any state agency, including, but not 1332
limited to, any legislative agency or state institution of 1333
higher education as defined in section 3345.011 of the Revised 1334
Code, pays membership dues, or any political subdivision or any 1335
office or agency of a political subdivision pays membership 1336
dues, that are incurred in connection with the person's official 1337
duties and that exceed one hundred dollars aggregated per 1338
calendar year; 1339

(j) If the disclosure statement is filed by a public 1340
official or employee described in division (B) (2) of section 1341
101.73 of the Revised Code or division (B) (2) of section 121.63 1342
of the Revised Code who receives a statement from a legislative 1343
agent, executive agency lobbyist, or employer that contains the 1344
information described in division (F) (2) of section 101.73 of 1345
the Revised Code or division (G) (2) of section 121.63 of the 1346
Revised Code, all of the nondisputed information contained in 1347
the statement delivered to that public official or employee by 1348
the legislative agent, executive agency lobbyist, or employer 1349
under division (F) (2) of section 101.73 or (G) (2) of section 1350
121.63 of the Revised Code. 1351

(3) A person may file a statement required by this section 1352
in person, by mail, or by electronic means. 1353

(4) A person who is required to file a statement under 1354
this section shall file that statement according to the 1355
following deadlines, as applicable: 1356

(a) Except as otherwise provided in divisions (A) (4) (b), 1357
(c), and (d) of this section, the person shall file the 1358
statement not later than the fifteenth day of May of each year. 1359

(b) A person who is a candidate for elective office shall 1360

file the statement no later than the thirtieth day before the 1361
primary, special, or general election at which the candidacy is 1362
to be voted on, whichever election occurs soonest, except that a 1363
person who is a write-in candidate shall file the statement no 1364
later than the twentieth day before the earliest election at 1365
which the person's candidacy is to be voted on. 1366

(c) A person who is appointed to fill a vacancy for an 1367
unexpired term in an elective office shall file the statement 1368
within fifteen days after the person qualifies for office. 1369

(d) A person who is appointed or employed after the 1370
fifteenth day of May, other than a person described in division 1371
(A) (4) (c) of this section, shall file an annual statement within 1372
ninety days after appointment or employment. 1373

(5) No person shall be required to file with the 1374
appropriate ethics commission more than one statement or pay 1375
more than one filing fee for any one calendar year. 1376

(6) The appropriate ethics commission, for good cause, may 1377
extend for a reasonable time the deadline for filing a statement 1378
under this section. 1379

(7) A statement filed under this section is subject to 1380
public inspection at locations designated by the appropriate 1381
ethics commission except as otherwise provided in this section. 1382

(B) The Ohio ethics commission, the joint legislative 1383
ethics committee, and the board of commissioners on grievances 1384
and discipline of the supreme court, using the rule-making 1385
procedures of Chapter 119. of the Revised Code, may require any 1386
class of public officials or employees under its jurisdiction 1387
and not specifically excluded by this section whose positions 1388
involve a substantial and material exercise of administrative 1389

discretion in the formulation of public policy, expenditure of 1390
public funds, enforcement of laws and rules of the state or a 1391
county or city, or the execution of other public trusts, to file 1392
an annual statement under division (A) of this section. The 1393
appropriate ethics commission shall send the public officials or 1394
employees written notice of the requirement not less than thirty 1395
days before the applicable filing deadline unless the public 1396
official or employee is appointed after that date, in which case 1397
the notice shall be sent within thirty days after appointment, 1398
and the filing shall be made not later than ninety days after 1399
appointment. 1400

Disclosure statements filed under this division with the 1401
Ohio ethics commission by members of boards, commissions, or 1402
bureaus of the state for which no compensation is received other 1403
than reasonable and necessary expenses shall be kept 1404
confidential. Disclosure statements filed with the Ohio ethics 1405
commission under division (A) of this section by business 1406
managers, treasurers, and superintendents of city, local, 1407
exempted village, joint vocational, or cooperative education 1408
school districts or educational service centers shall be kept 1409
confidential, except that any person conducting an audit of any 1410
such school district or educational service center pursuant to 1411
Chapter 117. of the Revised Code may examine the disclosure 1412
statement of any business manager, treasurer, or superintendent 1413
of that school district or educational service center. 1414
Disclosure statements filed with the Ohio ethics commission 1415
under division (A) of this section by the individuals set forth 1416
in division (B) (2) of section 187.03 of the Revised Code shall 1417
be kept confidential. The Ohio ethics commission shall examine 1418
each disclosure statement required to be kept confidential to 1419
determine whether a potential conflict of interest exists for 1420

the person who filed the disclosure statement. A potential 1421
conflict of interest exists if the private interests of the 1422
person, as indicated by the person's disclosure statement, might 1423
interfere with the public interests the person is required to 1424
serve in the exercise of the person's authority and duties in 1425
the person's office or position of employment. If the commission 1426
determines that a potential conflict of interest exists, it 1427
shall notify the person who filed the disclosure statement and 1428
shall make the portions of the disclosure statement that 1429
indicate a potential conflict of interest subject to public 1430
inspection in the same manner as is provided for other 1431
disclosure statements. Any portion of the disclosure statement 1432
that the commission determines does not indicate a potential 1433
conflict of interest shall be kept confidential by the 1434
commission and shall not be made subject to public inspection, 1435
except as is necessary for the enforcement of Chapters 102. and 1436
2921. of the Revised Code and except as otherwise provided in 1437
this division. 1438

(C) No person shall knowingly fail to file, on or before 1439
the applicable filing deadline established under this section, a 1440
statement that is required by this section. 1441

(D) No person shall knowingly file a false statement that 1442
is required to be filed under this section. 1443

(E) (1) Except as provided in divisions (E) (2) and (3) of 1444
this section, the statement required by division (A) or (B) of 1445
this section shall be accompanied by a filing fee of sixty 1446
dollars. 1447

(2) The statement required by division (A) of this section 1448
shall be accompanied by the following filing fee to be paid by 1449
the person who is elected or appointed to, or is a candidate 1450

for, any of the following offices: 1451

1452

1

2

A For state office, except member of the state board of education \$95

B For office of member of general assembly \$40

C For county office \$60

D For city office \$35

E For office of member of the state board of education \$35

F For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board \$30

G For position of business manager, treasurer, or 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 of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E) (1) or (2) or (F) of this section. 1453
1454
1455
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(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state 1457
1458
1459

agency that is the primary employer of the state official or 1460
employee shall pay the fee required under division (E) (1) or (F) 1461
of this section. 1462

(F) If a statement required to be filed under this section 1463
is not filed by the date on which it is required to be filed, 1464
the appropriate ethics commission shall assess the person 1465
required to file the statement a late filing fee of ten dollars 1466
for each day the statement is not filed, except that the total 1467
amount of the late filing fee shall not exceed two hundred fifty 1468
dollars. 1469

(G) (1) The appropriate ethics commission other than the 1470
Ohio ethics commission and the joint legislative ethics 1471
committee shall deposit all fees it receives under divisions (E) 1472
and (F) of this section into the general revenue fund of the 1473
state. 1474

(2) The Ohio ethics commission shall deposit all receipts, 1475
including, but not limited to, fees it receives under divisions 1476
(E) and (F) of this section, investigative or other fees, costs, 1477
or other funds it receives as a result of court orders, and all 1478
moneys it receives from settlements under division (G) of 1479
section 102.06 of the Revised Code, into the Ohio ethics 1480
commission fund, which is hereby created in the state treasury. 1481
All moneys credited to the fund shall be used solely for 1482
expenses related to the operation and statutory functions of the 1483
commission. 1484

(3) The joint legislative ethics committee shall deposit 1485
all receipts it receives from the payment of financial 1486
disclosure statement filing fees under divisions (E) and (F) of 1487
this section into the joint legislative ethics committee 1488
investigative and financial disclosure fund. 1489

(H) Division (A) of this section does not apply to a 1490
person elected or appointed to the office of precinct, ward, or 1491
district committee member under Chapter 3517. of the Revised 1492
Code; a presidential elector; a delegate to a national 1493
convention; village or township officials and employees; any 1494
physician or psychiatrist who is paid a salary or wage in 1495
accordance with schedule C of section 124.15 or schedule E-2 of 1496
section 124.152 of the Revised Code and whose primary duties do 1497
not require the exercise of administrative discretion; or any 1498
member of a board, commission, or bureau of any county or city 1499
who receives less than one thousand dollars per year for serving 1500
in that position. 1501

Sec. 109.57. (A) (1) The superintendent of the bureau of 1502
criminal identification and investigation shall procure from 1503
wherever procurable and file for record photographs, pictures, 1504
descriptions, fingerprints, measurements, and other information 1505
that may be pertinent of all persons who have been convicted of 1506
committing within this state a felony, any crime constituting a 1507
misdemeanor on the first offense and a felony on subsequent 1508
offenses, or any misdemeanor described in division (A) (1) (a), 1509
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 1510
of all children under eighteen years of age who have been 1511
adjudicated delinquent children for committing within this state 1512
an act that would be a felony or an offense of violence if 1513
committed by an adult or who have been convicted of or pleaded 1514
guilty to committing within this state a felony or an offense of 1515
violence, and of all well-known and habitual criminals. The 1516
person in charge of any county, multicounty, municipal, 1517
municipal-county, or multicounty-municipal jail or workhouse, 1518
community-based correctional facility, halfway house, 1519
alternative residential facility, or state correctional 1520

institution and the person in charge of any state institution 1521
having custody of a person suspected of having committed a 1522
felony, any crime constituting a misdemeanor on the first 1523
offense and a felony on subsequent offenses, or any misdemeanor 1524
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 1525
section 109.572 of the Revised Code or having custody of a child 1526
under eighteen years of age with respect to whom there is 1527
probable cause to believe that the child may have committed an 1528
act that would be a felony or an offense of violence if 1529
committed by an adult shall furnish such material to the 1530
superintendent of the bureau. Fingerprints, photographs, or 1531
other descriptive information of a child who is under eighteen 1532
years of age, has not been arrested or otherwise taken into 1533
custody for committing an act that would be a felony or an 1534
offense of violence who is not in any other category of child 1535
specified in this division, if committed by an adult, has not 1536
been adjudicated a delinquent child for committing an act that 1537
would be a felony or an offense of violence if committed by an 1538
adult, has not been convicted of or pleaded guilty to committing 1539
a felony or an offense of violence, and is not a child with 1540
respect to whom there is probable cause to believe that the 1541
child may have committed an act that would be a felony or an 1542
offense of violence if committed by an adult shall not be 1543
procured by the superintendent or furnished by any person in 1544
charge of any county, multicounty, municipal, municipal-county, 1545
or multicounty-municipal jail or workhouse, community-based 1546
correctional facility, halfway house, alternative residential 1547
facility, or state correctional institution, except as 1548
authorized in section 2151.313 of the Revised Code. 1549

(2) Every clerk of a court of record in this state, other 1550
than the supreme court or a court of appeals, shall send to the 1551

superintendent of the bureau a weekly report containing a 1552
summary of each case involving a felony, involving any crime 1553
constituting a misdemeanor on the first offense and a felony on 1554
subsequent offenses, involving a misdemeanor described in 1555
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1556
of the Revised Code, or involving an adjudication in a case in 1557
which a child under eighteen years of age was alleged to be a 1558
delinquent child for committing an act that would be a felony or 1559
an offense of violence if committed by an adult. The clerk of 1560
the court of common pleas shall include in the report and 1561
summary the clerk sends under this division all information 1562
described in divisions (A) (2) (a) to (f) of this section 1563
regarding a case before the court of appeals that is served by 1564
that clerk. The summary shall be written on the standard forms 1565
furnished by the superintendent pursuant to division (B) of this 1566
section and shall include the following information: 1567

(a) The incident tracking number contained on the standard 1568
forms furnished by the superintendent pursuant to division (B) 1569
of this section; 1570

(b) The style and number of the case; 1571

(c) The date of arrest, offense, summons, or arraignment; 1572

(d) The date that the person was convicted of or pleaded 1573
guilty to the offense, adjudicated a delinquent child for 1574
committing the act that would be a felony or an offense of 1575
violence if committed by an adult, found not guilty of the 1576
offense, or found not to be a delinquent child for committing an 1577
act that would be a felony or an offense of violence if 1578
committed by an adult, the date of an entry dismissing the 1579
charge, an entry declaring a mistrial of the offense in which 1580
the person is discharged, an entry finding that the person or 1581

child is not competent to stand trial, or an entry of a nolle 1582
prosequi, or the date of any other determination that 1583
constitutes final resolution of the case; 1584

(e) A statement of the original charge with the section of 1585
the Revised Code that was alleged to be violated; 1586

(f) If the person or child was convicted, pleaded guilty, 1587
or was adjudicated a delinquent child, the sentence or terms of 1588
probation imposed or any other disposition of the offender or 1589
the delinquent child. 1590

If the offense involved the disarming of a law enforcement 1591
officer or an attempt to disarm a law enforcement officer, the 1592
clerk shall clearly state that fact in the summary, and the 1593
superintendent shall ensure that a clear statement of that fact 1594
is placed in the bureau's records. 1595

(3) The superintendent shall cooperate with and assist 1596
sheriffs, chiefs of police, and other law enforcement officers 1597
in the establishment of a complete system of criminal 1598
identification and in obtaining fingerprints and other means of 1599
identification of all persons arrested on a charge of a felony, 1600
any crime constituting a misdemeanor on the first offense and a 1601
felony on subsequent offenses, or a misdemeanor described in 1602
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1603
of the Revised Code and of all children under eighteen years of 1604
age arrested or otherwise taken into custody for committing an 1605
act that would be a felony or an offense of violence if 1606
committed by an adult. The superintendent also shall file for 1607
record the fingerprint impressions of all persons confined in a 1608
county, multicounty, municipal, municipal-county, or 1609
multicounty-municipal jail or workhouse, community-based 1610
correctional facility, halfway house, alternative residential 1611

facility, or state correctional institution for the violation of 1612
state laws and of all children under eighteen years of age who 1613
are confined in a county, multicounty, municipal, municipal- 1614
county, or multicounty-municipal jail or workhouse, community- 1615
based correctional facility, halfway house, alternative 1616
residential facility, or state correctional institution or in 1617
any facility for delinquent children for committing an act that 1618
would be a felony or an offense of violence if committed by an 1619
adult, and any other information that the superintendent may 1620
receive from law enforcement officials of the state and its 1621
political subdivisions. 1622

(4) The superintendent shall carry out Chapter 2950. of 1623
the Revised Code with respect to the registration of persons who 1624
are convicted of or plead guilty to a sexually oriented offense 1625
or a child-victim oriented offense and with respect to all other 1626
duties imposed on the bureau under that chapter. 1627

(5) The bureau shall perform centralized recordkeeping 1628
functions for criminal history records and services in this 1629
state for purposes of the national crime prevention and privacy 1630
compact set forth in section 109.571 of the Revised Code and is 1631
the criminal history record repository as defined in that 1632
section for purposes of that compact. The superintendent or the 1633
superintendent's designee is the compact officer for purposes of 1634
that compact and shall carry out the responsibilities of the 1635
compact officer specified in that compact. 1636

(6) The superintendent shall, upon request, assist a 1637
county coroner in the identification of a deceased person 1638
through the use of fingerprint impressions obtained pursuant to 1639
division (A)(1) of this section or collected pursuant to section 1640
109.572 or 311.41 of the Revised Code. 1641

(B) The superintendent shall prepare and furnish to every 1642
county, multicounty, municipal, municipal-county, or 1643
multicounty-municipal jail or workhouse, community-based 1644
correctional facility, halfway house, alternative residential 1645
facility, or state correctional institution and to every clerk 1646
of a court in this state specified in division (A)(2) of this 1647
section standard forms for reporting the information required 1648
under division (A) of this section. The standard forms that the 1649
superintendent prepares pursuant to this division may be in a 1650
tangible format, in an electronic format, or in both tangible 1651
formats and electronic formats. 1652

(C) (1) The superintendent may operate a center for 1653
electronic, automated, or other data processing for the storage 1654
and retrieval of information, data, and statistics pertaining to 1655
criminals and to children under eighteen years of age who are 1656
adjudicated delinquent children for committing an act that would 1657
be a felony or an offense of violence if committed by an adult, 1658
criminal activity, crime prevention, law enforcement, and 1659
criminal justice, and may establish and operate a statewide 1660
communications network to be known as the Ohio law enforcement 1661
gateway to gather and disseminate information, data, and 1662
statistics for the use of law enforcement agencies and for other 1663
uses specified in this division. The superintendent may gather, 1664
store, retrieve, and disseminate information, data, and 1665
statistics that pertain to children who are under eighteen years 1666
of age and that are gathered pursuant to sections 109.57 to 1667
109.61 of the Revised Code together with information, data, and 1668
statistics that pertain to adults and that are gathered pursuant 1669
to those sections. 1670

(2) The superintendent or the superintendent's designee 1671
shall gather information of the nature described in division (C) 1672

(1) of this section that pertains to the offense and delinquency 1673
history of a person who has been convicted of, pleaded guilty 1674
to, or been adjudicated a delinquent child for committing a 1675
sexually oriented offense or a child-victim oriented offense for 1676
inclusion in the state registry of sex offenders and child- 1677
victim offenders maintained pursuant to division (A)(1) of 1678
section 2950.13 of the Revised Code and in the internet database 1679
operated pursuant to division (A)(13) of that section and for 1680
possible inclusion in the internet database operated pursuant to 1681
division (A)(11) of that section. 1682

(3) In addition to any other authorized use of 1683
information, data, and statistics of the nature described in 1684
division (C)(1) of this section, the superintendent or the 1685
superintendent's designee may provide and exchange the 1686
information, data, and statistics pursuant to the national crime 1687
prevention and privacy compact as described in division (A)(5) 1688
of this section. 1689

(4) The Ohio law enforcement gateway shall contain the 1690
name, confidential address, and telephone number of program 1691
participants in the address confidentiality program established 1692
under sections 111.41 to 111.47 of the Revised Code. 1693

(5) The attorney general may adopt rules under Chapter 1694
119. of the Revised Code establishing guidelines for the 1695
operation of and participation in the Ohio law enforcement 1696
gateway. The rules may include criteria for granting and 1697
restricting access to information gathered and disseminated 1698
through the Ohio law enforcement gateway. The attorney general 1699
shall adopt rules under Chapter 119. of the Revised Code that 1700
grant access to information in the gateway regarding an address 1701
confidentiality program participant under sections 111.41 to 1702

111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

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

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

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

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

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

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

(E) (1) The attorney general shall adopt rules, in

accordance with Chapter 119. of the Revised Code and subject to 1732
division (E) (2) of this section, setting forth the procedure by 1733
which a person may receive or release information gathered by 1734
the superintendent pursuant to division (A) of this section. A 1735
reasonable fee may be charged for this service. If a temporary 1736
employment service submits a request for a determination of 1737
whether a person the service plans to refer to an employment 1738
position has been convicted of or pleaded guilty to an offense 1739
listed or described in division (A) (1), (2), or (3) of section 1740
109.572 of the Revised Code, the request shall be treated as a 1741
single request and only one fee shall be charged. 1742

(2) Except as otherwise provided in this division or 1743
division (E) (3) or (4) of this section, a rule adopted under 1744
division (E) (1) of this section may provide only for the release 1745
of information gathered pursuant to division (A) of this section 1746
that relates to the conviction of a person, or a person's plea 1747
of guilty to, a criminal offense or to the arrest of a person as 1748
provided in division (E) (3) of this section. The superintendent 1749
shall not release, and the attorney general shall not adopt any 1750
rule under division (E) (1) of this section that permits the 1751
release of, any information gathered pursuant to division (A) of 1752
this section that relates to an adjudication of a child as a 1753
delinquent child, or that relates to a criminal conviction of a 1754
person under eighteen years of age if the person's case was 1755
transferred back to a juvenile court under division (B) (2) or 1756
(3) of section 2152.121 of the Revised Code and the juvenile 1757
court imposed a disposition or serious youthful offender 1758
disposition upon the person under either division, unless either 1759
of the following applies with respect to the adjudication or 1760
conviction: 1761

(a) The adjudication or conviction was for a violation of 1762

section 2903.01 or 2903.02 of the Revised Code. 1763

(b) The adjudication or conviction was for a sexually 1764
oriented offense, the juvenile court was required to classify 1765
the child a juvenile offender registrant for that offense under 1766
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1767
classification has not been removed, and the records of the 1768
adjudication or conviction have not been sealed or expunged 1769
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1770
section 2952.32 of the Revised Code. 1771

(3) A rule adopted under division (E)(1) of this section 1772
may provide for the release of information gathered pursuant to 1773
division (A) of this section that relates to the arrest of a 1774
person who is eighteen years of age or older when the person has 1775
not been convicted as a result of that arrest if any of the 1776
following applies: 1777

(a) The arrest was made outside of this state. 1778

(b) A criminal action resulting from the arrest is 1779
pending, and the superintendent confirms that the criminal 1780
action has not been resolved at the time the criminal records 1781
check is performed. 1782

(c) The bureau cannot reasonably determine whether a 1783
criminal action resulting from the arrest is pending, and not 1784
more than one year has elapsed since the date of the arrest. 1785

(4) A rule adopted under division (E)(1) of this section 1786
may provide for the release of information gathered pursuant to 1787
division (A) of this section that relates to an adjudication of 1788
a child as a delinquent child if not more than five years have 1789
elapsed since the date of the adjudication, the adjudication was 1790
for an act that would have been a felony if committed by an 1791

adult, the records of the adjudication have not been sealed or 1792
expunged pursuant to sections 2151.355 to 2151.358 of the 1793
Revised Code, and the request for information is made under 1794
division (F) of this section or under section 109.572 of the 1795
Revised Code. In the case of an adjudication for a violation of 1796
the terms of community control or supervised release, the five- 1797
year period shall be calculated from the date of the 1798
adjudication to which the community control or supervised 1799
release pertains. 1800

(F) (1) As used in division (F) (2) of this section, "head 1801
start agency" means an entity in this state that has been 1802
approved to be an agency for purposes of subchapter II of the 1803
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1804
U.S.C.A. 9831, as amended. 1805

(2) (a) In addition to or in conjunction with any request 1806
that is required to be made under section 109.572, 2151.86, 1807
3301.32, 3301.541, division (C) of section 3310.58, or section 1808
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1809
5153.111 of the Revised Code or that is made under section 1810
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1811
board of education of any school district; the director of 1812
developmental disabilities; any county board of developmental 1813
disabilities; any provider or subcontractor as defined in 1814
section 5123.081 of the Revised Code; the chief administrator of 1815
any chartered nonpublic school; the chief administrator of a 1816
registered private provider that is not also a chartered 1817
nonpublic school; the chief administrator of any home health 1818
agency; the chief administrator of or person operating any child 1819
day-care center, type A family day-care home, or type B family 1820
day-care home licensed under Chapter 5104. of the Revised Code; 1821
the chief administrator of any head start agency; the executive 1822

director of a public children services agency; a private company 1823
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1824
the Revised Code; or an employer described in division (J) (2) of 1825
section 3327.10 of the Revised Code may request that the 1826
superintendent of the bureau investigate and determine, with 1827
respect to any individual who has applied for employment in any 1828
position after October 2, 1989, or any individual wishing to 1829
apply for employment with a board of education may request, with 1830
regard to the individual, whether the bureau has any information 1831
gathered under division (A) of this section that pertains to 1832
that individual. On receipt of the request, subject to division 1833
(E) (2) of this section, the superintendent shall determine 1834
whether that information exists and, upon request of the person, 1835
board, or entity requesting information, also shall request from 1836
the federal bureau of investigation any criminal records it has 1837
pertaining to that individual. The superintendent or the 1838
superintendent's designee also may request criminal history 1839
records from other states or the federal government pursuant to 1840
the national crime prevention and privacy compact set forth in 1841
section 109.571 of the Revised Code. Within thirty days of the 1842
date that the superintendent receives a request, subject to 1843
division (E) (2) of this section, the superintendent shall send 1844
to the board, entity, or person a report of any information that 1845
the superintendent determines exists, including information 1846
contained in records that have been sealed under section 2953.32 1847
of the Revised Code, and, within thirty days of its receipt, 1848
subject to division (E) (2) of this section, shall send the 1849
board, entity, or person a report of any information received 1850
from the federal bureau of investigation, other than information 1851
the dissemination of which is prohibited by federal law. 1852

(b) When a board of education or a registered private 1853

provider is required to receive information under this section 1854
as a prerequisite to employment of an individual pursuant to 1855
division (C) of section 3310.58 or section 3319.39 of the 1856
Revised Code, it may accept a certified copy of records that 1857
were issued by the bureau of criminal identification and 1858
investigation and that are presented by an individual applying 1859
for employment with the district in lieu of requesting that 1860
information itself. In such a case, the board shall accept the 1861
certified copy issued by the bureau in order to make a photocopy 1862
of it for that individual's employment application documents and 1863
shall return the certified copy to the individual. In a case of 1864
that nature, a district or provider only shall accept a 1865
certified copy of records of that nature within one year after 1866
the date of their issuance by the bureau. 1867

(c) Notwithstanding division (F) (2) (a) of this section, in 1868
the case of a request under section 3319.39, 3319.391, or 1869
3327.10 of the Revised Code only for criminal records maintained 1870
by the federal bureau of investigation, the superintendent shall 1871
not determine whether any information gathered under division 1872
(A) of this section exists on the person for whom the request is 1873
made. 1874

(3) The state board of education or the department of 1875
education and workforce may request, with respect to any 1876
individual who has applied for employment after October 2, 1989, 1877
in any position with the state board or the department of 1878
education and workforce, any information that a school district 1879
board of education is authorized to request under division (F) 1880
(2) of this section, and the superintendent of the bureau shall 1881
proceed as if the request has been received from a school 1882
district board of education under division (F) (2) of this 1883
section. 1884

(4) When the superintendent of the bureau receives a 1885
request for information under section 3319.291 of the Revised 1886
Code, the superintendent shall proceed as if the request has 1887
been received from a school district board of education and 1888
shall comply with divisions (F)(2)(a) and (c) of this section. 1889

(G) In addition to or in conjunction with any request that 1890
is required to be made under section 3712.09, 3721.121, or 1891
3740.11 of the Revised Code with respect to an individual who 1892
has applied for employment in a position that involves providing 1893
direct care to an older adult or adult resident, the chief 1894
administrator of a home health agency, hospice care program, 1895
home licensed under Chapter 3721. of the Revised Code, or adult 1896
day-care program operated pursuant to rules adopted under 1897
section 3721.04 of the Revised Code may request that the 1898
superintendent of the bureau investigate and determine, with 1899
respect to any individual who has applied after January 27, 1900
1997, for employment in a position that does not involve 1901
providing direct care to an older adult or adult resident, 1902
whether the bureau has any information gathered under division 1903
(A) of this section that pertains to that individual. 1904

In addition to or in conjunction with any request that is 1905
required to be made under section 173.27 of the Revised Code 1906
with respect to an individual who has applied for employment in 1907
a position that involves providing ombudsman services to 1908
residents of long-term care facilities or recipients of 1909
community-based long-term care services, the state long-term 1910
care ombudsman, the director of aging, a regional long-term care 1911
ombudsman program, or the designee of the ombudsman, director, 1912
or program may request that the superintendent investigate and 1913
determine, with respect to any individual who has applied for 1914
employment in a position that does not involve providing such 1915

ombudsman services, whether the bureau has any information 1916
gathered under division (A) of this section that pertains to 1917
that applicant. 1918

In addition to or in conjunction with any request that is 1919
required to be made under section 173.38 of the Revised Code 1920
with respect to an individual who has applied for employment in 1921
a direct-care position, the chief administrator of a provider, 1922
as defined in section 173.39 of the Revised Code, may request 1923
that the superintendent investigate and determine, with respect 1924
to any individual who has applied for employment in a position 1925
that is not a direct-care position, whether the bureau has any 1926
information gathered under division (A) of this section that 1927
pertains to that applicant. 1928

In addition to or in conjunction with any request that is 1929
required to be made under section 3712.09 of the Revised Code 1930
with respect to an individual who has applied for employment in 1931
a position that involves providing direct care to a pediatric 1932
respite care patient, the chief administrator of a pediatric 1933
respite care program may request that the superintendent of the 1934
bureau investigate and determine, with respect to any individual 1935
who has applied for employment in a position that does not 1936
involve providing direct care to a pediatric respite care 1937
patient, whether the bureau has any information gathered under 1938
division (A) of this section that pertains to that individual. 1939

On receipt of a request under this division, the 1940
superintendent shall determine whether that information exists 1941
and, on request of the individual requesting information, shall 1942
also request from the federal bureau of investigation any 1943
criminal records it has pertaining to the applicant. The 1944
superintendent or the superintendent's designee also may request 1945

criminal history records from other states or the federal 1946
government pursuant to the national crime prevention and privacy 1947
compact set forth in section 109.571 of the Revised Code. Within 1948
thirty days of the date a request is received, subject to 1949
division (E) (2) of this section, the superintendent shall send 1950
to the requester a report of any information determined to 1951
exist, including information contained in records that have been 1952
sealed under section 2953.32 of the Revised Code, and, within 1953
thirty days of its receipt, shall send the requester a report of 1954
any information received from the federal bureau of 1955
investigation, other than information the dissemination of which 1956
is prohibited by federal law. 1957

(H) Information obtained by a government entity or person 1958
under this section is confidential and shall not be released or 1959
disseminated. 1960

(I) The superintendent may charge a reasonable fee for 1961
providing information or criminal records under division (F) (2) 1962
or (G) of this section. 1963

(J) As used in this section: 1964

(1) "Pediatric respite care program" and "pediatric care 1965
patient" have the same meanings as in section 3712.01 of the 1966
Revised Code. 1967

(2) "Sexually oriented offense" and "child-victim oriented 1968
offense" have the same meanings as in section 2950.01 of the 1969
Revised Code. 1970

(3) "Registered private provider" means a nonpublic school 1971
or entity registered with the ~~superintendent of public~~ 1972
~~instruction department of education and workforce~~ under section 1973
3310.41 of the Revised Code to participate in the autism 1974

scholarship program or section 3310.58 of the Revised Code to 1975
participate in the Jon Peterson special needs scholarship 1976
program. 1977

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 1978
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1979
Code, a completed form prescribed pursuant to division (C) (1) of 1980
this section, and a set of fingerprint impressions obtained in 1981
the manner described in division (C) (2) of this section, the 1982
superintendent of the bureau of criminal identification and 1983
investigation shall conduct a criminal records check in the 1984
manner described in division (B) of this section to determine 1985
whether any information exists that indicates that the person 1986
who is the subject of the request previously has been convicted 1987
of or pleaded guilty to any of the following: 1988

(a) A violation of section 2903.01, 2903.02, 2903.03, 1989
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1990
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1991
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1992
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1993
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1994
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1995
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1996
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1997
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1998
of the Revised Code, felonious sexual penetration in violation 1999
of former section 2907.12 of the Revised Code, a violation of 2000
section 2905.04 of the Revised Code as it existed prior to July 2001
1, 1996, a violation of section 2919.23 of the Revised Code that 2002
would have been a violation of section 2905.04 of the Revised 2003
Code as it existed prior to July 1, 1996, had the violation been 2004
committed prior to that date, or a violation of section 2925.11 2005

of the Revised Code that is not a minor drug possession offense; 2006

(b) A violation of an existing or former law of this 2007
state, any other state, or the United States that is 2008
substantially equivalent to any of the offenses listed in 2009
division (A) (1) (a) of this section; 2010

(c) If the request is made pursuant to section 3319.39 of 2011
the Revised Code for an applicant who is a teacher, any offense 2012
specified under section 9.79 of the Revised Code or in section 2013
3319.31 of the Revised Code. 2014

(2) On receipt of a request pursuant to section 3712.09 or 2015
3721.121 of the Revised Code, a completed form prescribed 2016
pursuant to division (C) (1) of this section, and a set of 2017
fingerprint impressions obtained in the manner described in 2018
division (C) (2) of this section, the superintendent of the 2019
bureau of criminal identification and investigation shall 2020
conduct a criminal records check with respect to any person who 2021
has applied for employment in a position for which a criminal 2022
records check is required by those sections. The superintendent 2023
shall conduct the criminal records check in the manner described 2024
in division (B) of this section to determine whether any 2025
information exists that indicates that the person who is the 2026
subject of the request previously has been convicted of or 2027
pleaded guilty to any of the following: 2028

(a) A violation of section 2903.01, 2903.02, 2903.03, 2029
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2030
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2031
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2032
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2033
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2034
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2035

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2036
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2037

(b) An existing or former law of this state, any other 2038
state, or the United States that is substantially equivalent to 2039
any of the offenses listed in division (A)(2)(a) of this 2040
section. 2041

(3) On receipt of a request pursuant to section 173.27, 2042
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 2043
5123.081, or 5123.169 of the Revised Code, a completed form 2044
prescribed pursuant to division (C)(1) of this section, and a 2045
set of fingerprint impressions obtained in the manner described 2046
in division (C)(2) of this section, the superintendent of the 2047
bureau of criminal identification and investigation shall 2048
conduct a criminal records check of the person for whom the 2049
request is made. The superintendent shall conduct the criminal 2050
records check in the manner described in division (B) of this 2051
section to determine whether any information exists that 2052
indicates that the person who is the subject of the request 2053
previously has been convicted of, has pleaded guilty to, or 2054
(except in the case of a request pursuant to section 5164.34, 2055
5164.341, or 5164.342 of the Revised Code) has been found 2056
eligible for intervention in lieu of conviction for any of the 2057
following, regardless of the date of the conviction, the date of 2058
entry of the guilty plea, or (except in the case of a request 2059
pursuant to section 5164.34, 5164.341, or 5164.342 of the 2060
Revised Code) the date the person was found eligible for 2061
intervention in lieu of conviction: 2062

(a) A violation of section 959.13, 959.131, 2903.01, 2063
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2064
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2065

2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	2066
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	2067
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	2068
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	2069
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	2070
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	2071
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	2072
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	2073
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	2074
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	2075
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	2076
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	2077
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	2078
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	2079
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	2080
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	2081
of the Revised Code;	2082
(b) Felonious sexual penetration in violation of former	2083
section 2907.12 of the Revised Code;	2084
(c) A violation of section 2905.04 of the Revised Code as	2085
it existed prior to July 1, 1996;	2086
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2087
the Revised Code when the underlying offense that is the object	2088
of the conspiracy, attempt, or complicity is one of the offenses	2089
listed in divisions (A) (3) (a) to (c) of this section;	2090
(e) A violation of an existing or former municipal	2091
ordinance or law of this state, any other state, or the United	2092
States that is substantially equivalent to any of the offenses	2093
listed in divisions (A) (3) (a) to (d) of this section.	2094

(4) On receipt of a request pursuant to section 2151.86 or 2095
2151.904 of the Revised Code, a completed form prescribed 2096
pursuant to division (C)(1) of this section, and a set of 2097
fingerprint impressions obtained in the manner described in 2098
division (C)(2) of this section, the superintendent of the 2099
bureau of criminal identification and investigation shall 2100
conduct a criminal records check in the manner described in 2101
division (B) of this section to determine whether any 2102
information exists that indicates that the person who is the 2103
subject of the request previously has been convicted of or 2104
pleaded guilty to any of the following: 2105

(a) A violation of section 959.13, 2903.01, 2903.02, 2106
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2107
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2108
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2109
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2110
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2111
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2112
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2113
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2114
2927.12, or 3716.11 of the Revised Code, a violation of section 2115
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2116
a violation of section 2919.23 of the Revised Code that would 2117
have been a violation of section 2905.04 of the Revised Code as 2118
it existed prior to July 1, 1996, had the violation been 2119
committed prior to that date, a violation of section 2925.11 of 2120
the Revised Code that is not a minor drug possession offense, 2121
two or more OVI or OVUAC violations committed within the three 2122
years immediately preceding the submission of the application or 2123
petition that is the basis of the request, or felonious sexual 2124
penetration in violation of former section 2907.12 of the 2125

Revised Code; 2126

(b) A violation of an existing or former law of this 2127
state, any other state, or the United States that is 2128
substantially equivalent to any of the offenses listed in 2129
division (A) (4) (a) of this section. 2130

(5) Upon receipt of a request pursuant to section 5104.013 2131
of the Revised Code, a completed form prescribed pursuant to 2132
division (C) (1) of this section, and a set of fingerprint 2133
impressions obtained in the manner described in division (C) (2) 2134
of this section, the superintendent of the bureau of criminal 2135
identification and investigation shall conduct a criminal 2136
records check in the manner described in division (B) of this 2137
section to determine whether any information exists that 2138
indicates that the person who is the subject of the request has 2139
been convicted of or pleaded guilty to any of the following: 2140

(a) A violation of section 2151.421, 2903.01, 2903.02, 2141
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2142
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2143
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2144
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2145
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2146
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2147
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2148
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2149
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2150
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2151
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2152
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2153
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2154
3716.11 of the Revised Code, felonious sexual penetration in 2155

violation of former section 2907.12 of the Revised Code, a 2156
violation of section 2905.04 of the Revised Code as it existed 2157
prior to July 1, 1996, a violation of section 2919.23 of the 2158
Revised Code that would have been a violation of section 2905.04 2159
of the Revised Code as it existed prior to July 1, 1996, had the 2160
violation been committed prior to that date, a violation of 2161
section 2925.11 of the Revised Code that is not a minor drug 2162
possession offense, a violation of section 2923.02 or 2923.03 of 2163
the Revised Code that relates to a crime specified in this 2164
division, or a second violation of section 4511.19 of the 2165
Revised Code within five years of the date of application for 2166
licensure or certification. 2167

(b) A violation of an existing or former law of this 2168
state, any other state, or the United States that is 2169
substantially equivalent to any of the offenses or violations 2170
described in division (A) (5) (a) of this section. 2171

(6) Upon receipt of a request pursuant to section 5153.111 2172
of the Revised Code, a completed form prescribed pursuant to 2173
division (C) (1) of this section, and a set of fingerprint 2174
impressions obtained in the manner described in division (C) (2) 2175
of this section, the superintendent of the bureau of criminal 2176
identification and investigation shall conduct a criminal 2177
records check in the manner described in division (B) of this 2178
section to determine whether any information exists that 2179
indicates that the person who is the subject of the request 2180
previously has been convicted of or pleaded guilty to any of the 2181
following: 2182

(a) A violation of section 2903.01, 2903.02, 2903.03, 2183
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2184
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2185

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2186
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2187
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2188
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2189
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 2190
Code, felonious sexual penetration in violation of former 2191
section 2907.12 of the Revised Code, a violation of section 2192
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2193
a violation of section 2919.23 of the Revised Code that would 2194
have been a violation of section 2905.04 of the Revised Code as 2195
it existed prior to July 1, 1996, had the violation been 2196
committed prior to that date, or a violation of section 2925.11 2197
of the Revised Code that is not a minor drug possession offense; 2198

(b) A violation of an existing or former law of this 2199
state, any other state, or the United States that is 2200
substantially equivalent to any of the offenses listed in 2201
division (A) (6) (a) of this section. 2202

(7) On receipt of a request for a criminal records check 2203
from an individual pursuant to section 4749.03 or 4749.06 of the 2204
Revised Code, accompanied by a completed copy of the form 2205
prescribed in division (C) (1) of this section and a set of 2206
fingerprint impressions obtained in a manner described in 2207
division (C) (2) of this section, the superintendent of the 2208
bureau of criminal identification and investigation shall 2209
conduct a criminal records check in the manner described in 2210
division (B) of this section to determine whether any 2211
information exists indicating that the person who is the subject 2212
of the request has been convicted of or pleaded guilty to any 2213
criminal offense in this state or in any other state. If the 2214
individual indicates that a firearm will be carried in the 2215
course of business, the superintendent shall require information 2216

from the federal bureau of investigation as described in 2217
division (B) (2) of this section. Subject to division (F) of this 2218
section, the superintendent shall report the findings of the 2219
criminal records check and any information the federal bureau of 2220
investigation provides to the director of public safety. 2221

(8) On receipt of a request pursuant to section 1321.37, 2222
1321.53, or 4763.05 of the Revised Code, a completed form 2223
prescribed pursuant to division (C) (1) of this section, and a 2224
set of fingerprint impressions obtained in the manner described 2225
in division (C) (2) of this section, the superintendent of the 2226
bureau of criminal identification and investigation shall 2227
conduct a criminal records check with respect to any person who 2228
has applied for a license, permit, or certification from the 2229
department of commerce or a division in the department. The 2230
superintendent shall conduct the criminal records check in the 2231
manner described in division (B) of this section to determine 2232
whether any information exists that indicates that the person 2233
who is the subject of the request previously has been convicted 2234
of or pleaded guilty to any criminal offense in this state, any 2235
other state, or the United States. 2236

(9) On receipt of a request for a criminal records check 2237
from the treasurer of state under section 113.041 of the Revised 2238
Code or from an individual under section 928.03, 4701.08, 2239
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 2240
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 2241
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 2242
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 2243
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 2244
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 2245
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 2246
Code, accompanied by a completed form prescribed under division 2247

(C) (1) of this section and a set of fingerprint impressions 2248
obtained in the manner described in division (C) (2) of this 2249
section, the superintendent of the bureau of criminal 2250
identification and investigation shall conduct a criminal 2251
records check in the manner described in division (B) of this 2252
section to determine whether any information exists that 2253
indicates that the person who is the subject of the request has 2254
been convicted of or pleaded guilty to any criminal offense in 2255
this state or any other state. Subject to division (F) of this 2256
section, the superintendent shall send the results of a check 2257
requested under section 113.041 of the Revised Code to the 2258
treasurer of state and shall send the results of a check 2259
requested under any of the other listed sections to the 2260
licensing board specified by the individual in the request. 2261

(10) On receipt of a request pursuant to section 124.74, 2262
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 2263
Code, a completed form prescribed pursuant to division (C) (1) of 2264
this section, and a set of fingerprint impressions obtained in 2265
the manner described in division (C) (2) of this section, the 2266
superintendent of the bureau of criminal identification and 2267
investigation shall conduct a criminal records check in the 2268
manner described in division (B) of this section to determine 2269
whether any information exists that indicates that the person 2270
who is the subject of the request previously has been convicted 2271
of or pleaded guilty to any criminal offense under any existing 2272
or former law of this state, any other state, or the United 2273
States. 2274

(11) On receipt of a request for a criminal records check 2275
from an appointing or licensing authority under section 3772.07 2276
of the Revised Code, a completed form prescribed under division 2277
(C) (1) of this section, and a set of fingerprint impressions 2278

obtained in the manner prescribed in division (C)(2) of this 2279
section, the superintendent of the bureau of criminal 2280
identification and investigation shall conduct a criminal 2281
records check in the manner described in division (B) of this 2282
section to determine whether any information exists that 2283
indicates that the person who is the subject of the request 2284
previously has been convicted of or pleaded guilty or no contest 2285
to any offense under any existing or former law of this state, 2286
any other state, or the United States that makes the person 2287
ineligible for appointment or retention under section 3772.07 of 2288
the Revised Code or that is a disqualifying offense as defined 2289
in that section or substantially equivalent to a disqualifying 2290
offense, as applicable. 2291

(12) On receipt of a request pursuant to section 2151.33 2292
or 2151.412 of the Revised Code, a completed form prescribed 2293
pursuant to division (C)(1) of this section, and a set of 2294
fingerprint impressions obtained in the manner described in 2295
division (C)(2) of this section, the superintendent of the 2296
bureau of criminal identification and investigation shall 2297
conduct a criminal records check with respect to any person for 2298
whom a criminal records check is required under that section. 2299
The superintendent shall conduct the criminal records check in 2300
the manner described in division (B) of this section to 2301
determine whether any information exists that indicates that the 2302
person who is the subject of the request previously has been 2303
convicted of or pleaded guilty to any of the following: 2304

(a) A violation of section 2903.01, 2903.02, 2903.03, 2305
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2306
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2307
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2308
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2309

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2310
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2311
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2312
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2313

(b) An existing or former law of this state, any other 2314
state, or the United States that is substantially equivalent to 2315
any of the offenses listed in division (A) (12) (a) of this 2316
section. 2317

(13) On receipt of a request pursuant to section 3796.12 2318
of the Revised Code, a completed form prescribed pursuant to 2319
division (C) (1) of this section, and a set of fingerprint 2320
impressions obtained in a manner described in division (C) (2) of 2321
this section, the superintendent of the bureau of criminal 2322
identification and investigation shall conduct a criminal 2323
records check in the manner described in division (B) of this 2324
section to determine whether any information exists that 2325
indicates that the person who is the subject of the request 2326
previously has been convicted of or pleaded guilty to the 2327
following: 2328

(a) A disqualifying offense as specified in rules adopted 2329
under section 9.79 and division (B) (2) (b) of section 3796.03 of 2330
the Revised Code if the person who is the subject of the request 2331
is an administrator or other person responsible for the daily 2332
operation of, or an owner or prospective owner, officer or 2333
prospective officer, or board member or prospective board member 2334
of, an entity seeking a license from the department of commerce 2335
under Chapter 3796. of the Revised Code; 2336

(b) A disqualifying offense as specified in rules adopted 2337
under section 9.79 and division (B) (2) (b) of section 3796.04 of 2338
the Revised Code if the person who is the subject of the request 2339

is an administrator or other person responsible for the daily 2340
operation of, or an owner or prospective owner, officer or 2341
prospective officer, or board member or prospective board member 2342
of, an entity seeking a license from the state board of pharmacy 2343
under Chapter 3796. of the Revised Code. 2344

(14) On receipt of a request required by section 3796.13 2345
of the Revised Code, a completed form prescribed pursuant to 2346
division (C) (1) of this section, and a set of fingerprint 2347
impressions obtained in a manner described in division (C) (2) of 2348
this section, the superintendent of the bureau of criminal 2349
identification and investigation shall conduct a criminal 2350
records check in the manner described in division (B) of this 2351
section to determine whether any information exists that 2352
indicates that the person who is the subject of the request 2353
previously has been convicted of or pleaded guilty to the 2354
following: 2355

(a) A disqualifying offense as specified in rules adopted 2356
under division (B) (8) (a) of section 3796.03 of the Revised Code 2357
if the person who is the subject of the request is seeking 2358
employment with an entity licensed by the department of commerce 2359
under Chapter 3796. of the Revised Code; 2360

(b) A disqualifying offense as specified in rules adopted 2361
under division (B) (14) (a) of section 3796.04 of the Revised Code 2362
if the person who is the subject of the request is seeking 2363
employment with an entity licensed by the state board of 2364
pharmacy under Chapter 3796. of the Revised Code. 2365

(15) On receipt of a request pursuant to section 4768.06 2366
of the Revised Code, a completed form prescribed under division 2367
(C) (1) of this section, and a set of fingerprint impressions 2368
obtained in the manner described in division (C) (2) of this 2369

section, the superintendent of the bureau of criminal 2370
identification and investigation shall conduct a criminal 2371
records check in the manner described in division (B) of this 2372
section to determine whether any information exists indicating 2373
that the person who is the subject of the request has been 2374
convicted of or pleaded guilty to any criminal offense in this 2375
state or in any other state. 2376

(16) On receipt of a request pursuant to division (B) of 2377
section 4764.07 or division (A) of section 4735.143 of the 2378
Revised Code, a completed form prescribed under division (C)(1) 2379
of this section, and a set of fingerprint impressions obtained 2380
in the manner described in division (C)(2) of this section, the 2381
superintendent of the bureau of criminal identification and 2382
investigation shall conduct a criminal records check in the 2383
manner described in division (B) of this section to determine 2384
whether any information exists indicating that the person who is 2385
the subject of the request has been convicted of or pleaded 2386
guilty to any criminal offense in any state or the United 2387
States. 2388

(17) On receipt of a request for a criminal records check 2389
under section 147.022 of the Revised Code, a completed form 2390
prescribed under division (C)(1) of this section, and a set of 2391
fingerprint impressions obtained in the manner prescribed in 2392
division (C)(2) of this section, the superintendent of the 2393
bureau of criminal identification and investigation shall 2394
conduct a criminal records check in the manner described in 2395
division (B) of this section to determine whether any 2396
information exists that indicates that the person who is the 2397
subject of the request previously has been convicted of or 2398
pleaded guilty or no contest to any criminal offense under any 2399
existing or former law of this state, any other state, or the 2400

United States. 2401

(18) Upon receipt of a request pursuant to division (F) of 2402
section 2915.081 or division (E) of section 2915.082 of the 2403
Revised Code, a completed form prescribed under division (C) (1) 2404
of this section, and a set of fingerprint impressions obtained 2405
in the manner described in division (C) (2) of this section, the 2406
superintendent of the bureau of criminal identification and 2407
investigation shall conduct a criminal records check in the 2408
manner described in division (B) of this section to determine 2409
whether any information exists indicating that the person who is 2410
the subject of the request has been convicted of or pleaded 2411
guilty or no contest to any offense that is a violation of 2412
Chapter 2915. of the Revised Code or to any offense under any 2413
existing or former law of this state, any other state, or the 2414
United States that is substantially equivalent to such an 2415
offense. 2416

(19) On receipt of a request pursuant to section 3775.03 2417
of the Revised Code, a completed form prescribed under division 2418
(C) (1) of this section, and a set of fingerprint impressions 2419
obtained in the manner described in division (C) (2) of this 2420
section, the superintendent of the bureau of criminal 2421
identification and investigation shall conduct a criminal 2422
records check in the manner described in division (B) of this 2423
section and shall request information from the federal bureau of 2424
investigation to determine whether any information exists 2425
indicating that the person who is the subject of the request has 2426
been convicted of any offense under any existing or former law 2427
of this state, any other state, or the United States that is a 2428
disqualifying offense as defined in section 3772.07 of the 2429
Revised Code. 2430

(B) Subject to division (F) of this section, the 2431
superintendent shall conduct any criminal records check to be 2432
conducted under this section as follows: 2433

(1) The superintendent shall review or cause to be 2434
reviewed any relevant information gathered and compiled by the 2435
bureau under division (A) of section 109.57 of the Revised Code 2436
that relates to the person who is the subject of the criminal 2437
records check, including, if the criminal records check was 2438
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 2439
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 2440
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 2441
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 2442
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 2443
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2444
5123.169, or 5153.111 of the Revised Code, any relevant 2445
information contained in records that have been sealed under 2446
section 2953.32 of the Revised Code; 2447

(2) If the request received by the superintendent asks for 2448
information from the federal bureau of investigation, the 2449
superintendent shall request from the federal bureau of 2450
investigation any information it has with respect to the person 2451
who is the subject of the criminal records check, including 2452
fingerprint-based checks of national crime information databases 2453
as described in 42 U.S.C. 671 if the request is made pursuant to 2454
section 2151.86 or 5104.013 of the Revised Code or if any other 2455
Revised Code section requires fingerprint-based checks of that 2456
nature, and shall review or cause to be reviewed any information 2457
the superintendent receives from that bureau. If a request under 2458
section 3319.39 of the Revised Code asks only for information 2459
from the federal bureau of investigation, the superintendent 2460
shall not conduct the review prescribed by division (B) (1) of 2461

this section. 2462

(3) The superintendent or the superintendent's designee 2463
may request criminal history records from other states or the 2464
federal government pursuant to the national crime prevention and 2465
privacy compact set forth in section 109.571 of the Revised 2466
Code. 2467

(4) The superintendent shall include in the results of the 2468
criminal records check a list or description of the offenses 2469
listed or described in the relevant provision of division (A) of 2470
this section. The superintendent shall exclude from the results 2471
any information the dissemination of which is prohibited by 2472
federal law. 2473

(5) The superintendent shall send the results of the 2474
criminal records check to the person to whom it is to be sent 2475
not later than the following number of days after the date the 2476
superintendent receives the request for the criminal records 2477
check, the completed form prescribed under division (C) (1) of 2478
this section, and the set of fingerprint impressions obtained in 2479
the manner described in division (C) (2) of this section: 2480

(a) If the superintendent is required by division (A) of 2481
this section (other than division (A) (3) of this section) to 2482
conduct the criminal records check, thirty; 2483

(b) If the superintendent is required by division (A) (3) 2484
of this section to conduct the criminal records check, sixty. 2485

(C) (1) The superintendent shall prescribe a form to obtain 2486
the information necessary to conduct a criminal records check 2487
from any person for whom a criminal records check is to be 2488
conducted under this section. The form that the superintendent 2489
prescribes pursuant to this division may be in a tangible 2490

format, in an electronic format, or in both tangible and 2491
electronic formats. 2492

(2) The superintendent shall prescribe standard impression 2493
sheets to obtain the fingerprint impressions of any person for 2494
whom a criminal records check is to be conducted under this 2495
section. Any person for whom a records check is to be conducted 2496
under this section shall obtain the fingerprint impressions at a 2497
county sheriff's office, municipal police department, or any 2498
other entity with the ability to make fingerprint impressions on 2499
the standard impression sheets prescribed by the superintendent. 2500
The office, department, or entity may charge the person a 2501
reasonable fee for making the impressions. The standard 2502
impression sheets the superintendent prescribes pursuant to this 2503
division may be in a tangible format, in an electronic format, 2504
or in both tangible and electronic formats. 2505

(3) Subject to division (D) of this section, the 2506
superintendent shall prescribe and charge a reasonable fee for 2507
providing a criminal records check under this section. The 2508
person requesting the criminal records check shall pay the fee 2509
prescribed pursuant to this division. In the case of a request 2510
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 2511
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 2512
fee shall be paid in the manner specified in that section. 2513

(4) The superintendent of the bureau of criminal 2514
identification and investigation may prescribe methods of 2515
forwarding fingerprint impressions and information necessary to 2516
conduct a criminal records check, which methods shall include, 2517
but not be limited to, an electronic method. 2518

(D) The results of a criminal records check conducted 2519
under this section, other than a criminal records check 2520

specified in division (A) (7) of this section, are valid for the 2521
person who is the subject of the criminal records check for a 2522
period of one year from the date upon which the superintendent 2523
completes the criminal records check. If during that period the 2524
superintendent receives another request for a criminal records 2525
check to be conducted under this section for that person, the 2526
superintendent shall provide the results from the previous 2527
criminal records check of the person at a lower fee than the fee 2528
prescribed for the initial criminal records check. 2529

(E) When the superintendent receives a request for 2530
information from a registered private provider, the 2531
superintendent shall proceed as if the request was received from 2532
a school district board of education under section 3319.39 of 2533
the Revised Code. The superintendent shall apply division (A) (1) 2534
(c) of this section to any such request for an applicant who is 2535
a teacher. 2536

(F) (1) Subject to division (F) (2) of this section, all 2537
information regarding the results of a criminal records check 2538
conducted under this section that the superintendent reports or 2539
sends under division (A) (7) or (9) of this section to the 2540
director of public safety, the treasurer of state, or the 2541
person, board, or entity that made the request for the criminal 2542
records check shall relate to the conviction of the subject 2543
person, or the subject person's plea of guilty to, a criminal 2544
offense. 2545

(2) Division (F) (1) of this section does not limit, 2546
restrict, or preclude the superintendent's release of 2547
information that relates to the arrest of a person who is 2548
eighteen years of age or older, to an adjudication of a child as 2549
a delinquent child, or to a criminal conviction of a person 2550

under eighteen years of age in circumstances in which a release 2551
of that nature is authorized under division (E) (2), (3), or (4) 2552
of section 109.57 of the Revised Code pursuant to a rule adopted 2553
under division (E) (1) of that section. 2554

(G) As used in this section: 2555

(1) "Criminal records check" means any criminal records 2556
check conducted by the superintendent of the bureau of criminal 2557
identification and investigation in accordance with division (B) 2558
of this section. 2559

(2) "Minor drug possession offense" has the same meaning 2560
as in section 2925.01 of the Revised Code. 2561

(3) "OVI or OVUAC violation" means a violation of section 2562
4511.19 of the Revised Code or a violation of an existing or 2563
former law of this state, any other state, or the United States 2564
that is substantially equivalent to section 4511.19 of the 2565
Revised Code. 2566

(4) "Registered private provider" means a nonpublic school 2567
or entity registered with the ~~superintendent of public~~ 2568
~~instruction department of education and workforce~~ under section 2569
3310.41 of the Revised Code to participate in the autism 2570
scholarship program or section 3310.58 of the Revised Code to 2571
participate in the Jon Peterson special needs scholarship 2572
program. 2573

Sec. 109.64. The bureau of criminal identification and 2574
investigation shall prepare a periodic information bulletin 2575
concerning missing children whom it determines may be present in 2576
this state. The bureau shall compile the bulletin from 2577
information contained in the national crime information center 2578
computer. The bulletin shall indicate the names and addresses of 2579

these minors who are the subject of missing children cases and 2580
other information that the superintendent of the bureau 2581
considers appropriate. The bulletin shall contain a reminder to 2582
law enforcement agencies of their responsibilities under section 2583
2901.30 of the Revised Code. 2584

The bureau shall send a copy of each periodic information 2585
bulletin to the missing children clearinghouse established under 2586
section 109.65 of the Revised Code for use in connection with 2587
its responsibilities under division (E) of that section. Upon 2588
receipt of each periodic information bulletin from the bureau, 2589
the missing children clearinghouse shall send a copy of the 2590
bulletin to each sheriff, marshal, police department of a 2591
municipal corporation, police force of a township police 2592
district or joint police district, and township constable in 2593
this state, to the board of education of each school district in 2594
this state, and to each nonpublic school in this state. The 2595
bureau shall provide a copy of the bulletin, upon request, to 2596
other persons or entities. The superintendent of the bureau, 2597
with the approval of the attorney general, may establish a 2598
reasonable fee for a copy of a bulletin provided to persons or 2599
entities other than law enforcement agencies in this or other 2600
states or of the federal government, the department of education 2601
and workforce, governmental entities of this state, and 2602
libraries in this state. The superintendent shall deposit all 2603
such fees collected into the missing children fund created by 2604
section 109.65 of the Revised Code. 2605

As used in this section, "missing children," 2606
"information," and "minor" have the same meanings as in section 2607
2901.30 of the Revised Code. 2608

Sec. 109.65. (A) As used in this section, "minor," 2609

"missing child," and "missing children" have the same meanings 2610
as in section 2901.30 of the Revised Code. 2611

(B) There is hereby created within the office of the 2612
attorney general the missing children clearinghouse. The 2613
attorney general shall administer the clearinghouse. The 2614
clearinghouse is established as a central repository of 2615
information to coordinate and improve the availability of 2616
information regarding missing children, which information shall 2617
be collected and disseminated by the clearinghouse to assist in 2618
the location of missing children. The clearinghouse shall act as 2619
an information repository separate from and in addition to law 2620
enforcement agencies within this state. 2621

(C) The missing children clearinghouse may perform any of 2622
the following functions: 2623

(1) The establishment of services to aid in the location 2624
of missing children that include, but are not limited to, any of 2625
the following services: 2626

(a) Assistance in the preparation and dissemination of 2627
flyers identifying and describing missing children and their 2628
abductors; 2629

(b) The development of informational forms for the 2630
reporting of missing children that may be used by parents, 2631
guardians, and law enforcement officials to facilitate the 2632
location of a missing child; 2633

(c) The provision of assistance to public and private 2634
organizations, boards of education, nonpublic schools, 2635
preschools, child care facilities, and law enforcement agencies 2636
in planning and implementing voluntary programs to fingerprint 2637
children. 2638

(2) The establishment and operation of a toll-free 2639
telephone line for supplemental reports of missing children and 2640
reports of sightings of missing children; 2641

(3) Upon the request of any person or entity and upon 2642
payment of any applicable fee established by the attorney 2643
general under division (H) of this section, the provision to the 2644
person or entity who makes the request of a copy of any 2645
information possessed by the clearinghouse that was acquired or 2646
prepared pursuant to division (E) (3) of this section; 2647

(4) The performance of liaison services between 2648
individuals and public and private agencies regarding procedures 2649
for handling and responding to missing children reports; 2650

(5) The participation as a member in any networks of other 2651
missing children centers or clearinghouses; 2652

(6) The creation and operation of an intrastate network of 2653
communication designed for the speedy collection and processing 2654
of information concerning missing children. 2655

(D) If a board of education is notified by school 2656
personnel that a missing child is attending any school under the 2657
board's jurisdiction, or if the principal or chief 2658
administrative officer of a nonpublic school is notified by 2659
school personnel that a missing child is attending that school, 2660
the board or the principal or chief administrative officer 2661
immediately shall give notice of that fact to the missing 2662
children clearinghouse and to the law enforcement agency with 2663
jurisdiction over the area where the missing child resides. 2664

(E) (1) The attorney general, in cooperation with the 2665
department of job and family services, shall establish a 2666
"missing child educational program" within the missing children 2667

clearinghouse that shall perform the functions specified in 2668
divisions (E) (1) to (3) of this section. The program shall 2669
operate under the supervision and control of the attorney 2670
general in accordance with procedures that the attorney general 2671
shall develop to implement divisions (E) (1) to (3) of this 2672
section. The attorney general shall cooperate with the 2673
department of education and workforce in developing and 2674
disseminating information acquired or prepared pursuant to 2675
division (E) (3) of this section. 2676

(2) Upon the request of any board of education in this 2677
state or any nonpublic school in this state, the missing child 2678
educational program shall provide to the board or school a 2679
reasonable number of copies of the information acquired or 2680
prepared pursuant to division (E) (3) of this section. 2681

Upon the request of any board of education in this state 2682
or any nonpublic school in this state that, pursuant to section 2683
3313.96 of the Revised Code, is developing an information 2684
program concerning missing children issues and matters, the 2685
missing child educational program shall provide to the board or 2686
nonpublic school assistance in developing the information 2687
program. The assistance may include, but is not limited to, the 2688
provision of any or all of the following: 2689

(a) If the requesting entity is a board of education of a 2690
school district, sample policies on missing and exploited 2691
children issues to assist the board in complying with section 2692
3313.205 of the Revised Code; 2693

(b) Suggested safety curricula regarding missing children 2694
issues, including child safety and abduction prevention issues; 2695

(c) Assistance in developing, with local law enforcement 2696

agencies, prosecuting attorneys, boards of education, school districts, and nonpublic schools, cooperative programs for fingerprinting children;	2697
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	2699
(d) Other assistance to further the goals of the program.	2700
(3) The missing child educational program shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:	2701
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	2704
(a) The types of missing children;	2705
(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;	2706
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(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	2714
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	2716
(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of a child and contributing to the dependency, neglect, unruliness, or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;	2717
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(e) Legislation being considered by the general assembly, legislatures of other states, the congress of the United States, and political subdivisions in this or any other state to address missing children issues;	2726 2727 2728 2729
(f) Sources of information on missing children issues;	2730
(g) State, local, federal, and private systems for locating and identifying missing children;	2731 2732
(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;	2733 2734
(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;	2735 2736 2737
(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;	2738 2739 2740
(k) How to avoid becoming a missing child and what to do if one becomes a missing child;	2741 2742
(l) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a missing child, including, but not limited to, fingerprinting programs.	2743 2744 2745 2746 2747
(F) Each year the missing children clearinghouse shall issue a report describing its performance of the functions specified in division (E) of this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the superintendent of the bureau of criminal identification and	2748 2749 2750 2751 2752 2753

investigation, and the director of job and family services. 2754

(G) Any state agency or political subdivision of this 2755
state that operates a missing children program or a 2756
clearinghouse for information about missing children shall 2757
coordinate its activities with the missing children 2758
clearinghouse. 2759

(H) The attorney general shall determine a reasonable fee 2760
to be charged for providing to any person or entity other than a 2761
state or local law enforcement agency of this or any other 2762
state, a law enforcement agency of the United States, a board of 2763
education of a school district in this state, a nonpublic school 2764
in this state, a governmental entity in this state, or a public 2765
library in this state, pursuant to division (A) (3) of this 2766
section, copies of any information acquired or prepared pursuant 2767
to division (E) (3) of this section. The attorney general shall 2768
collect the fee prior to sending or giving copies of any 2769
information to any person or entity for whom or which this 2770
division requires the fee to be charged and shall deposit the 2771
fee into the missing children fund created by division (I) of 2772
this section. 2773

(I) There is hereby created in the state treasury the 2774
missing children fund that shall consist of all moneys awarded 2775
to the state by donation, gift, or bequest, all other moneys 2776
received for purposes of this section, and all fees collected 2777
pursuant to this section or section 109.64 of the Revised Code. 2778
The attorney general shall use the moneys in the missing 2779
children fund only for purposes of the office of the attorney 2780
general acquiring or preparing information pursuant to division 2781
(E) (3) of this section. 2782

(J) The failure of the missing children clearinghouse to 2783

undertake any function or activity authorized in this section 2784
does not create a cause of action against the state. 2785

Sec. 109.71. There is hereby created in the office of the 2786
attorney general the Ohio peace officer training commission. The 2787
commission shall consist of ten members appointed by the 2788
governor with the advice and consent of the senate and selected 2789
as follows: one member representing the public; one member who 2790
represents a fraternal organization representing law enforcement 2791
officers; two members who are incumbent sheriffs; two members 2792
who are incumbent chiefs of police; one member from the bureau 2793
of criminal identification and investigation; one member from 2794
the state highway patrol; one member who is the special agent in 2795
charge of a field office of the federal bureau of investigation 2796
in this state; and one member from the department of education 2797
and workforce, trade and industrial education services, law 2798
enforcement training. 2799

This section does not confer any arrest authority or any 2800
ability or authority to detain a person, write or issue any 2801
citation, or provide any disposition alternative, as granted 2802
under Chapter 2935. of the Revised Code. 2803

Pursuant to division (A) (9) of section 101.82 of the 2804
Revised Code, the commission is exempt from the requirements of 2805
sections 101.82 to 101.87 of the Revised Code. 2806

As used in sections 109.71 to 109.801 of the Revised Code: 2807

(A) "Peace officer" means: 2808

(1) A deputy sheriff, marshal, deputy marshal, member of 2809
the organized police department of a township or municipal 2810
corporation, member of a township police district or joint 2811
police district police force, member of a police force employed 2812

by a metropolitan housing authority under division (D) of 2813
section 3735.31 of the Revised Code, or township constable, who 2814
is commissioned and employed as a peace officer by a political 2815
subdivision of this state or by a metropolitan housing 2816
authority, and whose primary duties are to preserve the peace, 2817
to protect life and property, and to enforce the laws of this 2818
state, ordinances of a municipal corporation, resolutions of a 2819
township, or regulations of a board of county commissioners or 2820
board of township trustees, or any of those laws, ordinances, 2821
resolutions, or regulations; 2822

(2) A police officer who is employed by a railroad company 2823
and appointed and commissioned by the secretary of state 2824
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2825

(3) Employees of the department of taxation engaged in the 2826
enforcement of Chapter 5743. of the Revised Code and designated 2827
by the tax commissioner for peace officer training for purposes 2828
of the delegation of investigation powers under section 5743.45 2829
of the Revised Code; 2830

(4) An undercover drug agent; 2831

(5) Enforcement agents of the department of public safety 2832
whom the director of public safety designates under section 2833
5502.14 of the Revised Code; 2834

(6) An employee of the department of natural resources who 2835
is a natural resources law enforcement staff officer designated 2836
pursuant to section 1501.013, a natural resources officer 2837
appointed pursuant to section 1501.24, a forest-fire 2838
investigator appointed pursuant to section 1503.09, or a 2839
wildlife officer designated pursuant to section 1531.13 of the 2840
Revised Code; 2841

(7) An employee of a park district who is designated	2842
pursuant to section 511.232 or 1545.13 of the Revised Code;	2843
(8) An employee of a conservancy district who is	2844
designated pursuant to section 6101.75 of the Revised Code;	2845
(9) A police officer who is employed by a hospital that	2846
employs and maintains its own proprietary police department or	2847
security department, and who is appointed and commissioned by	2848
the secretary of state pursuant to sections 4973.17 to 4973.22	2849
of the Revised Code;	2850
(10) Veterans' homes police officers designated under	2851
section 5907.02 of the Revised Code;	2852
(11) A police officer who is employed by a qualified	2853
nonprofit corporation police department pursuant to section	2854
1702.80 of the Revised Code;	2855
(12) A state university law enforcement officer appointed	2856
under section 3345.04 of the Revised Code or a person serving as	2857
a state university law enforcement officer on a permanent basis	2858
on June 19, 1978, who has been awarded a certificate by the	2859
executive director of the Ohio peace officer training commission	2860
attesting to the person's satisfactory completion of an approved	2861
state, county, municipal, or department of natural resources	2862
peace officer basic training program;	2863
(13) A special police officer employed by the department	2864
of mental health and addiction services pursuant to section	2865
5119.08 of the Revised Code or the department of developmental	2866
disabilities pursuant to section 5123.13 of the Revised Code;	2867
(14) A member of a campus police department appointed	2868
under section 1713.50 of the Revised Code;	2869

(15) A member of a police force employed by a regional 2870
transit authority under division (Y) of section 306.35 of the 2871
Revised Code; 2872

(16) Investigators appointed by the auditor of state 2873
pursuant to section 117.091 of the Revised Code and engaged in 2874
the enforcement of Chapter 117. of the Revised Code; 2875

(17) A special police officer designated by the 2876
superintendent of the state highway patrol pursuant to section 2877
5503.09 of the Revised Code or a person who was serving as a 2878
special police officer pursuant to that section on a permanent 2879
basis on October 21, 1997, and who has been awarded a 2880
certificate by the executive director of the Ohio peace officer 2881
training commission attesting to the person's satisfactory 2882
completion of an approved state, county, municipal, or 2883
department of natural resources peace officer basic training 2884
program; 2885

(18) A special police officer employed by a port authority 2886
under section 4582.04 or 4582.28 of the Revised Code or a person 2887
serving as a special police officer employed by a port authority 2888
on a permanent basis on May 17, 2000, who has been awarded a 2889
certificate by the executive director of the Ohio peace officer 2890
training commission attesting to the person's satisfactory 2891
completion of an approved state, county, municipal, or 2892
department of natural resources peace officer basic training 2893
program; 2894

(19) A special police officer employed by a municipal 2895
corporation who has been awarded a certificate by the executive 2896
director of the Ohio peace officer training commission for 2897
satisfactory completion of an approved peace officer basic 2898
training program and who is employed on a permanent basis on or 2899

after March 19, 2003, at a municipal airport, or other municipal 2900
air navigation facility, that has scheduled operations, as 2901
defined in section 119.3 of Title 14 of the Code of Federal 2902
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2903
to be under a security program and is governed by aviation 2904
security rules of the transportation security administration of 2905
the United States department of transportation as provided in 2906
Parts 1542. and 1544. of Title 49 of the Code of Federal 2907
Regulations, as amended; 2908

(20) A police officer who is employed by an owner or 2909
operator of an amusement park that has an average yearly 2910
attendance in excess of six hundred thousand guests and that 2911
employs and maintains its own proprietary police department or 2912
security department, and who is appointed and commissioned by a 2913
judge of the appropriate municipal court or county court 2914
pursuant to section 4973.17 of the Revised Code; 2915

(21) A police officer who is employed by a bank, savings 2916
and loan association, savings bank, credit union, or association 2917
of banks, savings and loan associations, savings banks, or 2918
credit unions, who has been appointed and commissioned by the 2919
secretary of state pursuant to sections 4973.17 to 4973.22 of 2920
the Revised Code, and who has been awarded a certificate by the 2921
executive director of the Ohio peace officer training commission 2922
attesting to the person's satisfactory completion of a state, 2923
county, municipal, or department of natural resources peace 2924
officer basic training program; 2925

(22) An investigator, as defined in section 109.541 of the 2926
Revised Code, of the bureau of criminal identification and 2927
investigation who is commissioned by the superintendent of the 2928
bureau as a special agent for the purpose of assisting law 2929

enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section; 2930
2931

(23) A state fire marshal law enforcement officer 2932
appointed under section 3737.22 of the Revised Code or a person 2933
serving as a state fire marshal law enforcement officer on a 2934
permanent basis on or after July 1, 1982, who has been awarded a 2935
certificate by the executive director of the Ohio peace officer 2936
training commission attesting to the person's satisfactory 2937
completion of an approved state, county, municipal, or 2938
department of natural resources peace officer basic training 2939
program; 2940

(24) A gaming agent employed under section 3772.03 of the 2941
Revised Code; 2942

(25) An employee of the state board of pharmacy designated 2943
by the executive director of the board pursuant to section 2944
4729.04 of the Revised Code to investigate violations of 2945
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2946
Revised Code and rules adopted thereunder. 2947

(B) "Undercover drug agent" has the same meaning as in 2948
division (B) (2) of section 109.79 of the Revised Code. 2949

(C) "Crisis intervention training" means training in the 2950
use of interpersonal and communication skills to most 2951
effectively and sensitively interview victims of rape. 2952

(D) "Missing children" has the same meaning as in section 2953
2901.30 of the Revised Code. 2954

(E) "Tactical medical professional" means an EMT, EMT- 2955
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 2956
trained and certified in a nationally recognized tactical 2957
medical training program that is equivalent to "tactical combat 2958

casualty care" (TCCC) and "tactical emergency medical support" 2959
(TEMS) and who functions in the tactical or austere environment 2960
while attached to a law enforcement agency of either this state 2961
or a political subdivision of this state. 2962

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 2963
meanings as in section 4765.01 of the Revised Code and "EMT" and 2964
"AEMT" have the same meanings as in section 4765.011 of the 2965
Revised Code. 2966

(G) "Nurse" means any of the following: 2967

(1) Any person who is licensed to practice nursing as a 2968
registered nurse by the board of nursing; 2969

(2) Any certified nurse practitioner, clinical nurse 2970
specialist, certified registered nurse anesthetist, or certified 2971
nurse-midwife who holds a certificate of authority issued by the 2972
board of nursing under Chapter 4723. of the Revised Code; 2973

(3) Any person who is licensed to practice nursing as a 2974
licensed practical nurse by the board of nursing pursuant to 2975
Chapter 4723. of the Revised Code. 2976

(H) "Physician" means a person who is licensed pursuant to 2977
Chapter 4731. of the Revised Code to practice medicine and 2978
surgery or osteopathic medicine and surgery. 2979

Sec. 109.72. Ohio peace officer training commission member 2980
terms shall be for three years, commencing on the twentieth day 2981
of September and ending on the nineteenth day of September. Each 2982
member shall hold office from the date of appointment until the 2983
end of the term to which the member was appointed. Any member 2984
appointed to fill a vacancy occurring prior to the expiration of 2985
the term for which the member's predecessor was appointed shall 2986
hold office for the remainder of such term. Any member shall 2987

continue in office subsequent to the expiration date of the 2988
member's term until the member's successor takes office, or 2989
until a period of sixty days has elapsed, whichever occurs 2990
first. An interim chairperson shall be appointed by the governor 2991
until such time as the commission elects a permanent 2992
chairperson. 2993

Any member of the commission appointed pursuant to section 2994
109.71 of the Revised Code as an incumbent sheriff, incumbent 2995
chief of police, representative of the state highway patrol, 2996
state department of education and workforce, federal bureau of 2997
investigation, and bureau of criminal identification and 2998
investigation, shall immediately, upon termination of holding 2999
such office, cease to be a member of the commission, and a 3000
successor shall be appointed. 3001

The commission shall meet at least four times each year. 3002
Special meetings may be called by the chairperson and shall be 3003
called by the chairperson at the request of the attorney general 3004
or upon the written request of five members of the commission. 3005
The commission may establish its own requirements as to quorum 3006
and its own procedures with respect to the conduct of its 3007
meetings and other affairs; provided, that all recommendations 3008
by the commission to the attorney general pursuant to section 3009
109.74 of the Revised Code shall require the affirmative vote of 3010
five members of the commission. 3011

Membership on the commission does not constitute the 3012
holding of an office, and members of the commission shall not be 3013
required to take and file oaths of office before serving on the 3014
commission. The commission shall not exercise any portion of the 3015
sovereign power of the state. 3016

The members of the commission shall receive no 3017

compensation for their services but shall be allowed their 3018
actual and necessary expenses incurred in the performance of 3019
their duties. 3020

No member of the commission shall be disqualified from 3021
holding any public office or employment, nor shall the member 3022
forfeit any such office or employment, by reason of appointment 3023
to the commission, notwithstanding any general, special, or 3024
local law, ordinance, or city charter to the contrary. 3025

Sec. 109.746. (A) The attorney general may prepare public 3026
awareness programs that are designed to educate potential 3027
victims of violations of section 2905.32 of the Revised Code and 3028
their families of the risks of becoming a victim of a violation 3029
of that section. The attorney general may prepare these programs 3030
with assistance from the department of health, the department of 3031
mental health and addiction services, the department of job and 3032
family services, and the department of education and workforce. 3033

(B) Any organization, person, or other governmental agency 3034
with an interest and expertise in trafficking in persons may 3035
submit information or materials to the attorney general 3036
regarding the preparation of the programs and materials 3037
permitted under this section. The attorney general, in 3038
developing the programs and materials permitted by this section, 3039
shall consider any information submitted pursuant to this 3040
division. 3041

Sec. 113.73. (A) The Ohio state and local government 3042
expenditure database shall include the following features: 3043

(1) A searchable database of all expenditures; 3044

(2) The ability to filter expenditures by the following 3045
categories: 3046

(a) The category of expense;	3047
(b) The Ohio administrative knowledge system accounting code for a specific good or service.	3048 3049
(3) The ability to search and filter by any of the factors listed in section 113.72 of the Revised Code;	3050 3051
(4) The ability to aggregate data contained in the database;	3052 3053
(5) The ability to determine the total amount of expenditures awarded to a supplier by a state entity;	3054 3055
(6) The ability to download information obtained through the database;	3056 3057
(7) A searchable database of state and school district employee salary and employment information.	3058 3059
(B) The information required under division (A) (7) of this section shall be provided by the department of administrative services or the department of education <u>and workforce</u> , as applicable.	3060 3061 3062 3063
Sec. 117.46. Each biennium the auditor of state shall conduct a minimum of four performance audits under this section. Except as otherwise provided in this section, at least two of the audits shall be of state agencies selected from a list comprised of the administrative departments listed in section 121.02 of the Revised Code and the department of education <u>and workforce</u> and at least two of the audits shall be of other state agencies. At the auditor of state's discretion, the auditor of state may also conduct performance audits of state institutions of higher education. The offices of the attorney general, auditor of state, governor, secretary of state, and treasurer of	3064 3065 3066 3067 3068 3069 3070 3071 3072 3073 3074

state and agencies of the legislative and judicial branches are 3075
not subject to an audit under this section. 3076

The auditor shall select each agency or institution to be 3077
audited and shall determine whether to audit the entire agency 3078
or institution or a portion of the agency or institution by 3079
auditing one or more programs, offices, boards, councils, or 3080
other entities within that agency or institution. The auditor 3081
shall make the selection and determination in consultation with 3082
the governor and the speaker and minority leader of the house of 3083
representatives and president and minority leader of the senate. 3084

An audit of a portion of an agency or institution shall be 3085
considered an audit of one agency or institution. The authority 3086
to audit a portion of an agency or institution in no way limits 3087
the auditor's ability to audit an entire agency or institution 3088
if it is in the best interest of the state. 3089

The performance audits under this section shall be 3090
conducted pursuant to sections 117.01 and 117.13 of the Revised 3091
Code. In conducting a performance audit, the auditor of state 3092
shall determine the scope of the audit, but shall consider, if 3093
appropriate, supervisory and subordinate level operations in the 3094
agency or institution. A performance audit under this section 3095
shall not include review or evaluation of an institution's 3096
academic performance. 3097

As used in this section and in sections 117.461, 117.462, 3098
117.463, 117.47, 117.471, and 147.472 of the Revised Code, 3099
"state institution of higher education" has the meaning defined 3100
in section 3345.011 of the Revised Code. 3101

Sec. 121.02. The following administrative departments and 3102
their respective directors are hereby created: 3103

(A) The office of budget and management, which shall be administered by the director of budget and management;	3104 3105
(B) The department of commerce, which shall be administered by the director of commerce;	3106 3107
(C) The department of administrative services, which shall be administered by the director of administrative services;	3108 3109
(D) The department of transportation, which shall be administered by the director of transportation;	3110 3111
(E) The department of agriculture, which shall be administered by the director of agriculture;	3112 3113
(F) The department of natural resources, which shall be administered by the director of natural resources;	3114 3115
(G) The department of health, which shall be administered by the director of health;	3116 3117
(H) The department of job and family services, which shall be administered by the director of job and family services;	3118 3119
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	3120 3121
(J) The department of public safety, which shall be administered by the director of public safety;	3122 3123
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	3124 3125 3126
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	3127 3128 3129
(M) The department of insurance, which shall be	3130

administered by the superintendent of insurance as director 3131
thereof; 3132

(N) The department of development, which shall be 3133
administered by the director of development; 3134

(O) The department of youth services, which shall be 3135
administered by the director of youth services; 3136

(P) The department of rehabilitation and correction, which 3137
shall be administered by the director of rehabilitation and 3138
correction; 3139

(Q) The environmental protection agency, which shall be 3140
administered by the director of environmental protection; 3141

(R) The department of aging, which shall be administered 3142
by the director of aging; 3143

(S) The department of veterans services, which shall be 3144
administered by the director of veterans services; 3145

(T) The department of medicaid, which shall be 3146
administered by the medicaid director; 3147

(U) The department of education and workforce, which shall 3148
be administered by the director of education and workforce. 3149

The director of each department shall exercise the powers 3150
and perform the duties vested by law in such department. 3151

Sec. 121.03. The following administrative department heads 3152
shall be appointed by the governor, with the advice and consent 3153
of the senate, and shall hold their offices during the term of 3154
the appointing governor, and are subject to removal at the 3155
pleasure of the governor. 3156

(A) The director of budget and management; 3157

(B) The director of commerce;	3158
(C) The director of transportation;	3159
(D) The director of agriculture;	3160
(E) The director of job and family services;	3161
(F) Until July 1, 1997, the director of liquor control;	3162
(G) The director of public safety;	3163
(H) The superintendent of insurance;	3164
(I) The director of development;	3165
(J) The tax commissioner;	3166
(K) The director of administrative services;	3167
(L) The director of natural resources;	3168
(M) The director of mental health and addiction services;	3169
(N) The director of developmental disabilities;	3170
(O) The director of health;	3171
(P) The director of youth services;	3172
(Q) The director of rehabilitation and correction;	3173
(R) The director of environmental protection;	3174
(S) The director of aging;	3175
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3176 3177 3178
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3179 3180 3181

(V) The chancellor of higher education;	3182
(W) The medicaid director;	3183
<u>(X) The director of education and workforce.</u>	3184
Sec. 121.35. (A) Subject to division (B) of this section,	3185
the following state agencies shall collaborate to revise and	3186
make more uniform the eligibility standards and eligibility	3187
determination procedures of programs the state agencies	3188
administer:	3189
(1) The department of aging;	3190
(2) The development services agency;	3191
(3) The department of developmental disabilities;	3192
(4) The department of education <u>and workforce</u> ;	3193
(5) The department of health;	3194
(6) The department of job and family services;	3195
(7) The department of medicaid;	3196
(8) The department of mental health and addiction	3197
services;	3198
(9) The opportunities for Ohioans with disabilities	3199
agency.	3200
(B) In revising eligibility standards and eligibility	3201
determination procedures, a state agency shall not make any	3202
program's eligibility standards or eligibility determination	3203
procedures inconsistent with state or federal law. To the extent	3204
authorized by state and federal law, the revisions may provide	3205
for the state agencies to share administrative operations.	3206
Sec. 121.37. (A) (1) There is hereby created the Ohio	3207

family and children first cabinet council. The council shall be 3208
composed of the ~~superintendent of public instruction~~director of 3209
education and workforce, the executive director of the 3210
opportunities for Ohioans with disabilities agency, the medicaid 3211
director, and the directors of youth services, job and family 3212
services, mental health and addiction services, health, 3213
developmental disabilities, aging, rehabilitation and 3214
correction, and budget and management. The chairperson of the 3215
council shall be the governor or the governor's designee and 3216
shall establish procedures for the council's internal control 3217
and management. 3218

The purpose of the cabinet council is to help families 3219
seeking government services. This section shall not be 3220
interpreted or applied to usurp the role of parents, but solely 3221
to streamline and coordinate existing government services for 3222
families seeking assistance for their children. 3223

(2) In seeking to fulfill its purpose, the council may do 3224
any of the following: 3225

(a) Advise and make recommendations to the governor and 3226
general assembly regarding the provision of services to 3227
children; 3228

(b) Advise and assess local governments on the 3229
coordination of service delivery to children; 3230

(c) Hold meetings at such times and places as may be 3231
prescribed by the council's procedures and maintain records of 3232
the meetings, except that records identifying individual 3233
children are confidential and shall be disclosed only as 3234
provided by law; 3235

(d) Develop programs and projects, including pilot 3236

projects, to encourage coordinated efforts at the state and 3237
local level to improve the state's social service delivery 3238
system; 3239

(e) Enter into contracts with and administer grants to 3240
county family and children first councils, as well as other 3241
county or multicounty organizations to plan and coordinate 3242
service delivery between state agencies and local service 3243
providers for families and children; 3244

(f) Enter into contracts with and apply for grants from 3245
federal agencies or private organizations; 3246

(g) Enter into interagency agreements to encourage 3247
coordinated efforts at the state and local level to improve the 3248
state's social service delivery system. The agreements may 3249
include provisions regarding the receipt, transfer, and 3250
expenditure of funds; 3251

(h) Identify public and private funding sources for 3252
services provided to alleged or adjudicated unruly children and 3253
children who are at risk of being alleged or adjudicated unruly 3254
children, including regulations governing access to and use of 3255
the services; 3256

(i) Collect information provided by local communities 3257
regarding successful programs for prevention, intervention, and 3258
treatment of unruly behavior, including evaluations of the 3259
programs; 3260

(j) Identify and disseminate publications regarding 3261
alleged or adjudicated unruly children and children who are at 3262
risk of being alleged or adjudicated unruly children and 3263
regarding programs serving those types of children; 3264

(k) Maintain an inventory of strategic planning 3265

facilitators for use by government or nonprofit entities that 3266
serve alleged or adjudicated unruly children or children who are 3267
at risk of being alleged or adjudicated unruly children. 3268

(3) The cabinet council shall provide for the following: 3269

(a) Reviews of service and treatment plans for children 3270
for which such reviews are requested; 3271

(b) Assistance as the council determines to be necessary 3272
to meet the needs of children referred by county family and 3273
children first councils; 3274

(c) Monitoring and supervision of a statewide, 3275
comprehensive, coordinated, multi-disciplinary, interagency 3276
system for infants and toddlers with developmental disabilities 3277
or delays and their families, as established pursuant to federal 3278
grants received and administered by the department of health for 3279
early intervention services under the "Individuals with 3280
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 3281
1400, as amended. 3282

(4) The cabinet council shall develop and implement the 3283
following: 3284

(a) An interagency process to select the indicators that 3285
will be used to measure progress toward increasing child well- 3286
being in the state and to update the indicators on an annual 3287
basis. The indicators shall focus on expectant parents and 3288
newborns thriving; infants and toddlers thriving; children being 3289
ready for school; children and youth succeeding in school; youth 3290
choosing healthy behaviors; and youth successfully transitioning 3291
into adulthood. 3292

(b) An interagency system to offer guidance and monitor 3293
progress toward increasing child well-being in the state and in 3294

each county; 3295

(c) An annual plan that identifies state-level agency 3296
efforts taken to ensure progress towards increasing child well- 3297
being in the state. 3298

On an annual basis, the cabinet council shall submit to 3299
the governor and the general assembly a report on the status of 3300
efforts to increase child well-being in the state. This report 3301
shall be made available to any other person on request. 3302

(B) (1) Each board of county commissioners shall establish 3303
a county family and children first council. The board may invite 3304
any local public or private agency or group that funds, 3305
advocates, or provides services to children and families to have 3306
a representative become a permanent or temporary member of its 3307
county council. Each county council must include the following 3308
individuals: 3309

(a) At least three individuals who are not employed by an 3310
agency represented on the council and whose families are or have 3311
received services from an agency represented on the council or 3312
another county's council. Where possible, the number of members 3313
representing families shall be equal to twenty per cent of the 3314
council's membership. 3315

(b) The director of the board of alcohol, drug addiction, 3316
and mental health services that serves the county, or, in the 3317
case of a county that has a board of alcohol and drug addiction 3318
services and a community mental health board, the directors of 3319
both boards. If a board of alcohol, drug addiction, and mental 3320
health services covers more than one county, the director may 3321
designate a person to participate on the county's council. 3322

(c) The health commissioner, or the commissioner's 3323

designee, of the board of health of each city and general health 3324
district in the county. If the county has two or more health 3325
districts, the health commissioner membership may be limited to 3326
the commissioners of the two districts with the largest 3327
populations. 3328

(d) The director of the county department of job and 3329
family services; 3330

(e) The executive director of the public children services 3331
agency; 3332

(f) The superintendent of the county board of 3333
developmental disabilities or, if the superintendent serves as 3334
superintendent of more than one county board of developmental 3335
disabilities, the superintendent's designee; 3336

(g) The superintendent of the city, exempted village, or 3337
local school district with the largest number of pupils residing 3338
in the county, as determined by the department of education and 3339
workforce, which shall notify each board of county commissioners 3340
of its determination at least biennially; 3341

(h) A school superintendent representing all other school 3342
districts with territory in the county, as designated at a 3343
biennial meeting of the superintendents of those districts; 3344

(i) A representative of the municipal corporation with the 3345
largest population in the county; 3346

(j) The president of the board of county commissioners or 3347
an individual designated by the board; 3348

(k) A representative of the department of youth services 3349
or an individual designated by the department; 3350

(l) A representative of the county's head start agencies, 3351

as defined in section 3301.32 of the Revised Code; 3352

(m) A representative of the county's early intervention 3353
collaborative established pursuant to the federal early 3354
intervention program operated under the "Individuals with 3355
Disabilities Education Act of 2004"; 3356

(n) A representative of a local nonprofit entity that 3357
funds, advocates, or provides services to children and families. 3358

Notwithstanding any other provision of law, the public 3359
members of a county council are not prohibited from serving on 3360
the council and making decisions regarding the duties of the 3361
council, including those involving the funding of joint projects 3362
and those outlined in the county's service coordination 3363
mechanism implemented pursuant to division (C) of this section. 3364

The cabinet council shall establish a state appeals 3365
process to resolve disputes among the members of a county 3366
council concerning whether reasonable responsibilities as 3367
members are being shared. The appeals process may be accessed 3368
only by a majority vote of the council members who are required 3369
to serve on the council. Upon appeal, the cabinet council may 3370
order that state funds for services to children and families be 3371
redirected to a county's board of county commissioners. 3372

The county's juvenile court judge senior in service or 3373
another judge of the juvenile court designated by the 3374
administrative judge or, where there is no administrative judge, 3375
by the judge senior in service shall serve as the judicial 3376
advisor to the county family and children first council. The 3377
judge may advise the county council on the court's utilization 3378
of resources, services, or programs provided by the entities 3379
represented by the members of the county council and how those 3380

resources, services, or programs assist the court in its 3381
administration of justice. Service of a judge as a judicial 3382
advisor pursuant to this section is a judicial function. 3383

(2) The purpose of the county council is to streamline and 3384
coordinate existing government services for families seeking 3385
services for their children. In seeking to fulfill its purpose, 3386
a county council shall provide for the following: 3387

(a) Referrals to the cabinet council of those children for 3388
whom the county council cannot provide adequate services; 3389

(b) Development and implementation of a process that 3390
annually evaluates and prioritizes services, fills service gaps 3391
where possible, and invents new approaches to achieve better 3392
results for families and children; 3393

(c) Participation in the development of a countywide, 3394
comprehensive, coordinated, multi-disciplinary, interagency 3395
system for infants and toddlers with developmental disabilities 3396
or delays and their families, as established pursuant to federal 3397
grants received and administered by the department of health for 3398
early intervention services under the "Individuals with 3399
Disabilities Education Act of 2004"; 3400

(d) Maintenance of an accountability system to monitor the 3401
county council's progress in achieving results for families and 3402
children; 3403

(e) Establishment of a mechanism to ensure ongoing input 3404
from a broad representation of families who are receiving 3405
services within the county system. 3406

(3) A county council shall develop and implement the 3407
following: 3408

(a) An interagency process to establish local indicators 3409
and monitor the county's progress toward increasing child well- 3410
being in the county; 3411

(b) An interagency process to identify local priorities to 3412
increase child well-being. The local priorities shall focus on 3413
expectant parents and newborns thriving; infants and toddlers 3414
thriving; children being ready for school; children and youth 3415
succeeding in school; youth choosing healthy behaviors; and 3416
youth successfully transitioning into adulthood and take into 3417
account the indicators established by the cabinet council under 3418
division (A) (4) (a) of this section. 3419

(c) An annual plan that identifies the county's 3420
interagency efforts to increase child well-being in the county. 3421

On an annual basis, the county council shall submit a 3422
report on the status of efforts by the county to increase child 3423
well-being in the county to the county's board of county 3424
commissioners and the cabinet council. This report shall be made 3425
available to any other person on request. 3426

(4) (a) Except as provided in division (B) (4) (b) of this 3427
section, a county council shall comply with the policies, 3428
procedures, and activities prescribed by the rules or 3429
interagency agreements of a state department participating on 3430
the cabinet council whenever the county council performs a 3431
function subject to those rules or agreements. 3432

(b) On application of a county council, the cabinet 3433
council may grant an exemption from any rules or interagency 3434
agreements of a state department participating on the council if 3435
an exemption is necessary for the council to implement an 3436
alternative program or approach for service delivery to families 3437

and children. The application shall describe the proposed 3438
program or approach and specify the rules or interagency 3439
agreements from which an exemption is necessary. The cabinet 3440
council shall approve or disapprove the application in 3441
accordance with standards and procedures it shall adopt. If an 3442
application is approved, the exemption is effective only while 3443
the program or approach is being implemented, including a 3444
reasonable period during which the program or approach is being 3445
evaluated for effectiveness. 3446

(5) (a) Each county council shall designate an 3447
administrative agent for the council from among the following 3448
public entities: the board of alcohol, drug addiction, and 3449
mental health services, including a board of alcohol and drug 3450
addiction or a community mental health board if the county is 3451
served by separate boards; the board of county commissioners; 3452
any board of health of the county's city and general health 3453
districts; the county department of job and family services; the 3454
county agency responsible for the administration of children 3455
services pursuant to section 5153.15 of the Revised Code; the 3456
county board of developmental disabilities; any of the county's 3457
boards of education or governing boards of educational service 3458
centers; or the county's juvenile court. Any of the foregoing 3459
public entities, other than the board of county commissioners, 3460
may decline to serve as the council's administrative agent. 3461

A county council's administrative agent shall serve as the 3462
council's appointing authority for any employees of the council. 3463
The council shall file an annual budget with its administrative 3464
agent, with copies filed with the county auditor and with the 3465
board of county commissioners, unless the board is serving as 3466
the council's administrative agent. The council's administrative 3467
agent shall ensure that all expenditures are handled in 3468

accordance with policies, procedures, and activities prescribed 3469
by state departments in rules or interagency agreements that are 3470
applicable to the council's functions. 3471

The administrative agent of a county council shall send 3472
notice of a member's absence if a member listed in division (B) 3473
(1) of this section has been absent from either three 3474
consecutive meetings of the county council or a county council 3475
subcommittee, or from one-quarter of such meetings in a calendar 3476
year, whichever is less. The notice shall be sent to the board 3477
of county commissioners that establishes the county council and, 3478
for the members listed in divisions (B) (1) (b), (c), (e), and (1) 3479
of this section, to the governing board overseeing the 3480
respective entity; for the member listed in division (B) (1) (f) 3481
of this section, to the county board of developmental 3482
disabilities that employs the superintendent; for a member 3483
listed in division (B) (1) (g) or (h) of this section, to the 3484
school board that employs the superintendent; for the member 3485
listed in division (B) (1) (i) of this section, to the mayor of 3486
the municipal corporation; for the member listed in division (B) 3487
(1) (k) of this section, to the director of youth services; and 3488
for the member listed in division (B) (1) (n) of this section, to 3489
that member's board of trustees. 3490

The administrative agent for a county council may do any 3491
of the following on behalf of the council: 3492

(i) Enter into agreements or administer contracts with 3493
public or private entities to fulfill specific council business. 3494
Such agreements and contracts are exempt from the competitive 3495
bidding requirements of section 307.86 of the Revised Code if 3496
they have been approved by the county council and they are for 3497
the purchase of family and child welfare or child protection 3498

services or other social or job and family services for families 3499
and children. The approval of the county council is not required 3500
to exempt agreements or contracts entered into under section 3501
5139.34, 5139.41, or 5139.43 of the Revised Code from the 3502
competitive bidding requirements of section 307.86 of the 3503
Revised Code. 3504

(ii) As determined by the council, provide financial 3505
stipends, reimbursements, or both, to family representatives for 3506
expenses related to council activity; 3507

(iii) Receive by gift, grant, devise, or bequest any 3508
moneys, lands, or other property for the purposes for which the 3509
council is established. The agent shall hold, apply, and dispose 3510
of the moneys, lands, or other property according to the terms 3511
of the gift, grant, devise, or bequest. Any interest or earnings 3512
shall be treated in the same manner and are subject to the same 3513
terms as the gift, grant, devise, or bequest from which it 3514
accrues. 3515

(b) (i) If the county council designates the board of 3516
county commissioners as its administrative agent, the board may, 3517
by resolution, delegate any of its powers and duties as 3518
administrative agent to an executive committee the board 3519
establishes from the membership of the county council. The board 3520
shall name to the executive committee at least the individuals 3521
described in divisions (B) (1) (b) to (h) of this section and may 3522
appoint the president of the board or another individual as the 3523
chair of the executive committee. The executive committee must 3524
include at least one family county council representative who 3525
does not have a family member employed by an agency represented 3526
on the council. 3527

(ii) The executive committee may, with the approval of the 3528

board, hire an executive director to assist the county council 3529
in administering its powers and duties. The executive director 3530
shall serve in the unclassified civil service at the pleasure of 3531
the executive committee. The executive director may, with the 3532
approval of the executive committee, hire other employees as 3533
necessary to properly conduct the county council's business. 3534

(iii) The board may require the executive committee to 3535
submit an annual budget to the board for approval and may amend 3536
or repeal the resolution that delegated to the executive 3537
committee its authority as the county council's administrative 3538
agent. 3539

(6) Two or more county councils may enter into an 3540
agreement to administer their county councils jointly by 3541
creating a regional family and children first council. A 3542
regional council possesses the same duties and authority 3543
possessed by a county council, except that the duties and 3544
authority apply regionally rather than to individual counties. 3545
Prior to entering into an agreement to create a regional 3546
council, the members of each county council to be part of the 3547
regional council shall meet to determine whether all or part of 3548
the members of each county council will serve as members of the 3549
regional council. 3550

(7) A board of county commissioners may approve a 3551
resolution by a majority vote of the board's members that 3552
requires the county council to submit a statement to the board 3553
each time the council proposes to enter into an agreement, adopt 3554
a plan, or make a decision, other than a decision pursuant to 3555
section 121.38 of the Revised Code, that requires the 3556
expenditure of funds for two or more families. The statement 3557
shall describe the proposed agreement, plan, or decision. 3558

Not later than fifteen days after the board receives the 3559
statement, it shall, by resolution approved by a majority of its 3560
members, approve or disapprove the agreement, plan, or decision. 3561
Failure of the board to pass a resolution during that time 3562
period shall be considered approval of the agreement, plan, or 3563
decision. 3564

An agreement, plan, or decision for which a statement is 3565
required to be submitted to the board shall be implemented only 3566
if it is approved by the board. 3567

(C) Each county shall develop a county service 3568
coordination mechanism. The county service coordination 3569
mechanism shall serve as the guiding document for coordination 3570
of services in the county. For children who also receive 3571
services under the help me grow program, the service 3572
coordination mechanism shall be consistent with rules adopted by 3573
the department of health under section 3701.61 of the Revised 3574
Code. All family service coordination plans shall be developed 3575
in accordance with the county service coordination mechanism. 3576
The mechanism shall be developed and approved with the 3577
participation of the county entities representing child welfare; 3578
developmental disabilities; alcohol, drug addiction, and mental 3579
health services; health; juvenile judges; education; the county 3580
family and children first council; and the county early 3581
intervention collaborative established pursuant to the federal 3582
early intervention program operated under the "Individuals with 3583
Disabilities Education Act of 2004." The county shall establish 3584
an implementation schedule for the mechanism. The cabinet 3585
council may monitor the implementation and administration of 3586
each county's service coordination mechanism. 3587

Each mechanism shall include all of the following: 3588

(1) A procedure for an agency, including a juvenile court, 3589
or a family voluntarily seeking service coordination, to refer 3590
the child and family to the county council for service 3591
coordination in accordance with the mechanism; 3592

(2) A procedure ensuring that a family and all appropriate 3593
staff from involved agencies, including a representative from 3594
the appropriate school district, are notified of and invited to 3595
participate in all family service coordination plan meetings; 3596

(3) A procedure that permits a family to initiate a 3597
meeting to develop or review the family's service coordination 3598
plan and allows the family to invite a family advocate, mentor, 3599
or support person of the family's choice to participate in any 3600
such meeting; 3601

(4) A procedure for ensuring that a family service 3602
coordination plan meeting is conducted for each child who 3603
receives service coordination under the mechanism and for whom 3604
an emergency out-of-home placement has been made or for whom a 3605
nonemergency out-of-home placement is being considered. The 3606
meeting shall be conducted within ten days of an emergency out- 3607
of-home placement. The meeting shall be conducted before a 3608
nonemergency out-of-home placement. The family service 3609
coordination plan shall outline how the county council members 3610
will jointly pay for services, where applicable, and provide 3611
services in the least restrictive environment. 3612

(5) A procedure for monitoring the progress and tracking 3613
the outcomes of each service coordination plan requested in the 3614
county including monitoring and tracking children in out-of-home 3615
placements to assure continued progress, appropriateness of 3616
placement, and continuity of care after discharge from placement 3617
with appropriate arrangements for housing, treatment, and 3618

education; 3619

(6) A procedure for protecting the confidentiality of all 3620
personal family information disclosed during service 3621
coordination meetings or contained in the comprehensive family 3622
service coordination plan; 3623

(7) A procedure for assessing the needs and strengths of 3624
any child or family that has been referred to the council for 3625
service coordination, including a child whose parent or 3626
custodian is voluntarily seeking services, and for ensuring that 3627
parents and custodians are afforded the opportunity to 3628
participate; 3629

(8) A procedure for development of a family service 3630
coordination plan described in division (D) of this section; 3631

(9) A local dispute resolution process to serve as the 3632
process that must be used first to resolve disputes among the 3633
agencies represented on the county council concerning the 3634
provision of services to children, including children who are 3635
abused, neglected, dependent, unruly, alleged unruly, or 3636
delinquent children and under the jurisdiction of the juvenile 3637
court and children whose parents or custodians are voluntarily 3638
seeking services. The local dispute resolution process shall 3639
comply with sections 121.38, 121.381, and 121.382 of the Revised 3640
Code. The local dispute resolution process shall be used to 3641
resolve disputes between a child's parents or custodians and the 3642
county council regarding service coordination. The county 3643
council shall inform the parents or custodians of their right to 3644
use the dispute resolution process. Parents or custodians shall 3645
use existing local agency grievance procedures to address 3646
disputes not involving service coordination. The dispute 3647
resolution process is in addition to and does not replace other 3648

rights or procedures that parents or custodians may have under 3649
other sections of the Revised Code. 3650

The cabinet council shall adopt rules in accordance with 3651
Chapter 119. of the Revised Code establishing an administrative 3652
review process to address problems that arise concerning the 3653
operation of a local dispute resolution process. 3654

Nothing in division (C) (4) of this section shall be 3655
interpreted as overriding or affecting decisions of a juvenile 3656
court regarding an out-of-home placement, long-term placement, 3657
or emergency out-of-home placement. 3658

(D) Each county shall develop a family service 3659
coordination plan that does all of the following: 3660

(1) Designates service responsibilities among the various 3661
state and local agencies that provide services to children and 3662
their families, including children who are abused, neglected, 3663
dependent, unruly, or delinquent children and under the 3664
jurisdiction of the juvenile court and children whose parents or 3665
custodians are voluntarily seeking services; 3666

(2) Designates an individual, approved by the family, to 3667
track the progress of the family service coordination plan, 3668
schedule reviews as necessary, and facilitate the family service 3669
coordination plan meeting process; 3670

(3) Ensures that assistance and services to be provided 3671
are responsive to the strengths and needs of the family, as well 3672
as the family's culture, race, and ethnic group, by allowing the 3673
family to offer information and suggestions and participate in 3674
decisions. Identified assistance and services shall be provided 3675
in the least restrictive environment possible. 3676

(4) Includes a process for dealing with a child who is 3677

alleged to be an unruly child. The process shall include methods 3678
to divert the child from the juvenile court system; 3679

(5) Includes timelines for completion of goals specified 3680
in the plan with regular reviews scheduled to monitor progress 3681
toward those goals; 3682

(6) Includes a plan for dealing with short-term crisis 3683
situations and safety concerns. 3684

(E) (1) The process provided for under division (D) (4) of 3685
this section may include, but is not limited to, the following: 3686

(a) Designation of the person or agency to conduct the 3687
assessment of the child and the child's family as described in 3688
division (C) (7) of this section and designation of the 3689
instrument or instruments to be used to conduct the assessment; 3690

(b) An emphasis on the personal responsibilities of the 3691
child and the parental responsibilities of the parents, 3692
guardian, or custodian of the child; 3693

(c) Involvement of local law enforcement agencies and 3694
officials. 3695

(2) The method to divert a child from the juvenile court 3696
system that must be included in the service coordination process 3697
may include, but is not limited to, the following: 3698

(a) The preparation of a complaint under section 2151.27 3699
of the Revised Code alleging that the child is an unruly child 3700
and notifying the child and the parents, guardian, or custodian 3701
that the complaint has been prepared to encourage the child and 3702
the parents, guardian, or custodian to comply with other methods 3703
to divert the child from the juvenile court system; 3704

(b) Conducting a meeting with the child, the parents, 3705

guardian, or custodian, and other interested parties to 3706
determine the appropriate methods to divert the child from the 3707
juvenile court system; 3708

(c) A method to provide to the child and the child's 3709
family a short-term respite from a short-term crisis situation 3710
involving a confrontation between the child and the parents, 3711
guardian, or custodian; 3712

(d) A program to provide a mentor to the child or the 3713
parents, guardian, or custodian; 3714

(e) A program to provide parenting education to the 3715
parents, guardian, or custodian; 3716

(f) An alternative school program for children who are 3717
truant from school, repeatedly disruptive in school, or 3718
suspended or expelled from school; 3719

(g) Other appropriate measures, including, but not limited 3720
to, any alternative methods to divert a child from the juvenile 3721
court system that are identified by the Ohio family and children 3722
first cabinet council. 3723

(F) Each county may review and revise the service 3724
coordination process described in division (D) of this section 3725
based on the availability of funds under Title IV-A of the 3726
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3727
as amended, or to the extent resources are available from any 3728
other federal, state, or local funds. 3729

Sec. 121.40. (A) There is hereby created the Ohio 3730
commission on service and volunteerism consisting of nineteen 3731
voting members including the ~~superintendent of public~~ 3732
~~instruction~~ director of education and workforce or the 3733
~~superintendent's~~ director's designee, the chancellor of higher 3734

education or the chancellor's designee, the director of youth 3735
services or the director's designee, the director of aging or 3736
the director's designee, and fifteen members who shall be 3737
appointed by the governor with the advice and consent of the 3738
senate and who shall serve terms of office of three years. The 3739
appointees shall include educators, including teachers and 3740
administrators; representatives of youth organizations; students 3741
and parents; representatives of organizations engaged in 3742
volunteer program development and management throughout the 3743
state, including youth and conservation programs; and 3744
representatives of business, government, nonprofit 3745
organizations, social service agencies, veterans organizations, 3746
religious organizations, or philanthropies that support or 3747
encourage volunteerism within the state. The director of the 3748
governor's office of faith-based and community initiatives shall 3749
serve as a nonvoting ex officio member of the commission. 3750
Members of the commission shall receive no compensation, but 3751
shall be reimbursed for actual and necessary expenses incurred 3752
in the performance of their official duties. 3753

(B) The commission shall appoint an executive director for 3754
the commission, who shall be in the unclassified civil service. 3755
The governor shall be informed of the appointment of an 3756
executive director before such an appointment is made. The 3757
executive director shall supervise the commission's activities 3758
and report to the commission on the progress of those 3759
activities. The executive director shall do all things necessary 3760
for the efficient and effective implementation of the duties of 3761
the commission. 3762

The responsibilities assigned to the executive director do 3763
not relieve the members of the commission from final 3764
responsibility for the proper performance of the requirements of 3765

this section. 3766

(C) The commission or its designee shall do all of the 3767
following: 3768

(1) Employ, promote, supervise, and remove all employees 3769
as needed in connection with the performance of its duties under 3770
this section and may assign duties to those employees as 3771
necessary to achieve the most efficient performance of its 3772
functions, and to that end may establish, change, or abolish 3773
positions, and assign and reassign duties and responsibilities 3774
of any employee of the commission. Personnel employed by the 3775
commission who are subject to Chapter 4117. of the Revised Code 3776
shall retain all of their rights and benefits conferred pursuant 3777
to that chapter. Nothing in this chapter shall be construed as 3778
eliminating or interfering with Chapter 4117. of the Revised 3779
Code or the rights and benefits conferred under that chapter to 3780
public employees or to any bargaining unit. 3781

(2) Maintain its office in Columbus, and may hold sessions 3782
at any place within the state; 3783

(3) Acquire facilities, equipment, and supplies necessary 3784
to house the commission, its employees, and files and records 3785
under its control, and to discharge any duty imposed upon it by 3786
law. The expense of these acquisitions shall be audited and paid 3787
for in the same manner as other state expenses. For that 3788
purpose, the commission shall prepare and submit to the office 3789
of budget and management a budget for each biennium according to 3790
sections 101.532 and 107.03 of the Revised Code. The budget 3791
submitted shall cover the costs of the commission and its staff 3792
in the discharge of any duty imposed upon the commission by law. 3793
The commission shall not delegate any authority to obligate 3794
funds. 3795

(4) Pay its own payroll and other operating expenses from	3796
line items designated by the general assembly;	3797
(5) Retain its fiduciary responsibility as appointing	3798
authority. Any transaction instructions shall be certified by	3799
the appointing authority or its designee.	3800
(6) Establish the overall policy and management of the	3801
commission in accordance with this chapter;	3802
(7) Assist in coordinating and preparing the state	3803
application for funds under sections 101 to 184 of the "National	3804
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	3805
U.S.C.A. 12411 to 12544, as amended, assist in administering and	3806
overseeing the "National and Community Service Trust Act of	3807
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in	3808
this state, and assist in developing objectives for a	3809
comprehensive strategy to encourage and expand community service	3810
programs throughout the state;	3811
(8) Assist the state board <u>department of education and</u>	3812
<u>workforce</u> , school districts, the chancellor of higher education,	3813
and institutions of higher education in coordinating community	3814
service education programs through cooperative efforts between	3815
institutions and organizations in the public and private	3816
sectors;	3817
(9) Assist the departments of natural resources, youth	3818
services, aging, and job and family services in coordinating	3819
community service programs through cooperative efforts between	3820
institutions and organizations in the public and private	3821
sectors;	3822
(10) Suggest individuals and organizations that are	3823
available to assist school districts, institutions of higher	3824

education, and the departments of natural resources, youth 3825
services, aging, and job and family services in the 3826
establishment of community service programs and assist in 3827
investigating sources of funding for implementing these 3828
programs; 3829

(11) Assist in evaluating the state's efforts in providing 3830
community service programs using standards and methods that are 3831
consistent with any statewide objectives for these programs and 3832
provide information to the ~~state board~~ department of education 3833
and workforce, school districts, the chancellor of higher 3834
education, institutions of higher education, and the departments 3835
of natural resources, youth services, aging, and job and family 3836
services to guide them in making decisions about these programs; 3837

(12) Assist the ~~state board~~ department of education and 3838
workforce in complying with section 3301.70 of the Revised Code 3839
and the chancellor of higher education in complying with 3840
division (B) (2) of section 3333.043 of the Revised Code. 3841

(D) The commission shall in writing enter into an 3842
agreement with another state agency to serve as the commission's 3843
fiscal agent. Before entering into such an agreement, the 3844
commission shall inform the governor of the terms of the 3845
agreement and of the state agency designated to serve as the 3846
commission's fiscal agent. The fiscal agent shall be responsible 3847
for all the commission's fiscal matters and financial 3848
transactions, as specified in the agreement. Services to be 3849
provided by the fiscal agent include, but are not limited to, 3850
the following: 3851

(1) Preparing and processing payroll and other personnel 3852
documents that the commission executes as the appointing 3853
authority; 3854

(2) Maintaining ledgers of accounts and reports of account 3855
balances, and monitoring budgets and allotment plans in 3856
consultation with the commission; and 3857

(3) Performing other routine support services that the 3858
fiscal agent considers appropriate to achieve efficiency. 3859

(E) (1) The commission, in conjunction and consultation 3860
with the fiscal agent, has the following authority and 3861
responsibility relative to fiscal matters: 3862

(a) Sole authority to draw funds for any and all federal 3863
programs in which the commission is authorized to participate; 3864

(b) Sole authority to expend funds from their accounts for 3865
programs and any other necessary expenses the commission may 3866
incur and its subgrantees may incur; and 3867

(c) Responsibility to cooperate with and inform the fiscal 3868
agent fully of all financial transactions. 3869

(2) The commission shall follow all state procurement, 3870
fiscal, human resources, statutory, and administrative rule 3871
requirements. 3872

(3) The fiscal agent shall determine fees to be charged to 3873
the commission, which shall be in proportion to the services 3874
performed for the commission. 3875

(4) The commission shall pay fees owed to the fiscal agent 3876
from a general revenue fund of the commission or from any other 3877
fund from which the operating expenses of the commission are 3878
paid. Any amounts set aside for a fiscal year for the payment of 3879
these fees shall be used only for the services performed for the 3880
commission by the fiscal agent in that fiscal year. 3881

(F) The commission may accept and administer grants from 3882

any source, public or private, to carry out any of the 3883
commission's functions this section establishes. 3884

Sec. 121.95. (A) As used in sections 121.95, 121.951, 3885
121.952, 121.953, and 121.954 of the Revised Code, "state 3886
agency" means an administrative department created under section 3887
121.02 of the Revised Code, an administrative department head 3888
appointed under section 121.03 of the Revised Code, and a state 3889
agency organized under an administrative department or 3890
administrative department head. "State agency" also includes the 3891
department of education and workforce, the state lottery 3892
commission, the Ohio casino control commission, the state racing 3893
commission, and the public utilities commission of Ohio. Rules 3894
adopted by an otherwise independent official or entity organized 3895
under a state agency shall be attributed to the agency under 3896
which the official or entity is organized for the purposes of 3897
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 3898
Revised Code. 3899

(B) Not later than December 31, 2019, a state agency shall 3900
review its existing rules to identify rules having one or more 3901
regulatory restrictions that require or prohibit an action and 3902
prepare a base inventory of the regulatory restrictions in its 3903
existing rules. Rules that include the words "shall," "must," 3904
"require," "shall not," "may not," and "prohibit" shall be 3905
considered to contain regulatory restrictions. 3906

(C) In the base inventory, the state agency shall indicate 3907
all of the following concerning each regulatory restriction: 3908

(1) A description of the regulatory restriction; 3909

(2) The rule number of the rule in which the regulatory 3910
restriction appears; 3911

(3) The statute under which the regulatory restriction was adopted;	3912 3913
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	3914 3915 3916 3917
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	3918 3919 3920 3921 3922
(6) Any other information the joint committee on agency rule review considers necessary.	3923 3924
(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.	3925 3926 3927 3928 3929 3930 3931
(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:	3932 3933 3934
(1) An internal management rule;	3935
(2) An emergency rule;	3936
(3) A rule that state or federal law requires the state agency to adopt verbatim;	3937 3938
(4) A regulatory restriction contained in materials or	3939

documents incorporated by reference into a rule pursuant to 3940
sections 121.71 to 121.75 of the Revised Code; 3941

(5) A rule adopted pursuant to section 1347.15 of the 3942
Revised Code; 3943

(6) A rule concerning instant lottery games; 3944

(7) A rule adopted by the Ohio casino control commission 3945
or the state lottery commission concerning sports gaming; 3946

(8) Any other rule that is not subject to review under 3947
Chapter 106. of the Revised Code. 3948

(F) Beginning on October 17, 2019, and ending on June 30, 3949
2025, a state agency may not adopt a new regulatory restriction 3950
unless it simultaneously removes two or more other existing 3951
regulatory restrictions. The state agency may not satisfy this 3952
section by merging two or more existing regulatory restrictions 3953
into a single surviving regulatory restriction. 3954

Sec. 124.15. (A) Board and commission members appointed 3955
prior to July 1, 1991, shall be paid a salary or wage in 3956
accordance with the following schedules of rates: 3957

Schedule B 3958

Pay Ranges and Step Values 3959

3960

	1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31

C		Annually	11897.60	12292.80	12688.00	13124.80
D			Step 5	Step 6		
E		Hourly	6.52	6.75		
F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		
K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4
N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32

U		Annually	13790.40	14289.60	14768.00	15225.60
V			Step 5	Step 6		
W		Hourly	7.53	7.77		
X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	
AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4
AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79

AM		Annually	16390.40	16952.00	17596.80	18283.20
AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	
AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	
AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4
AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52

BE		Annually	20820.80	21756.80	22859.20	23961.60
BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94
BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8
BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4
BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35

BW		Annually	27643.20	28995.20	30430.40	31928.00
BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62
BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8
CE		Hourly	17.73	18.62	19.54	20.51
CF		Annually	36878.40	38729.60	40643.20	42660.80

Schedule C 3961

Pay Range and Values 3962

3963

	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 3964
biweekly basis, with amounts computed on an hourly basis. 3965

(C) Part-time employees shall be compensated on an hourly 3966
basis for time worked, at the rates shown in division (A) of 3967
this section or in section 124.152 of the Revised Code. 3968

(D) The salary and wage rates in division (A) of this 3969
section or in section 124.152 of the Revised Code represent base 3970
rates of compensation and may be augmented by the provisions of 3971
section 124.181 of the Revised Code. In those cases where 3972
lodging, meals, laundry, or other personal services are 3973
furnished an employee in the service of the state, the actual 3974
costs or fair market value of the personal services shall be 3975
paid by the employee in such amounts and manner as determined by 3976
the director of administrative services and approved by the 3977
director of budget and management, and those personal services 3978
shall not be considered as a part of the employee's 3979
compensation. An appointing authority that appoints employees in 3980
the service of the state, with the approval of the director of 3981
administrative services and the director of budget and 3982
management, may establish payments to employees for uniforms, 3983
tools, equipment, and other requirements of the department and 3984
payments for the maintenance of them. 3985

The director of administrative services may review 3986
collective bargaining agreements entered into under Chapter 3987
4117. of the Revised Code that cover employees in the service of 3988
the state and determine whether certain benefits or payments 3989
provided to the employees covered by those agreements should 3990
also be provided to employees in the service of the state who 3991
are exempt from collective bargaining coverage and are paid in 3992
accordance with section 124.152 of the Revised Code or are 3993
listed in division (B) (2) or (4) of section 124.14 of the 3994
Revised Code. On completing the review, the director of 3995
administrative services, with the approval of the director of 3996
budget and management, may provide to some or all of these 3997
employees any payment or benefit, except for salary, contained 3998
in such a collective bargaining agreement even if it is similar 3999

to a payment or benefit already provided by law to some or all 4000
of these employees. Any payment or benefit so provided shall not 4001
exceed the highest level for that payment or benefit specified 4002
in such a collective bargaining agreement. The director of 4003
administrative services shall not provide, and the director of 4004
budget and management shall not approve, any payment or benefit 4005
to such an employee under this division unless the payment or 4006
benefit is provided pursuant to a collective bargaining 4007
agreement to a state employee who is in a position with similar 4008
duties as, is supervised by, or is employed by the same 4009
appointing authority as, the employee to whom the benefit or 4010
payment is to be provided. 4011

As used in this division, "payment or benefit already 4012
provided by law" includes, but is not limited to, bereavement, 4013
personal, vacation, administrative, and sick leave, disability 4014
benefits, holiday pay, and pay supplements provided under the 4015
Revised Code, but does not include wages or salary. 4016

(E) New employees paid in accordance with schedule B of 4017
division (A) of this section or schedule E-1 of section 124.152 4018
of the Revised Code shall be employed at the minimum rate 4019
established for the range unless otherwise provided. Employees 4020
with qualifications that are beyond the minimum normally 4021
required for the position and that are determined by the 4022
director to be exceptional may be employed in, or may be 4023
transferred or promoted to, a position at an advanced step of 4024
the range. Further, in time of a serious labor market condition 4025
when it is relatively impossible to recruit employees at the 4026
minimum rate for a particular classification, the entrance rate 4027
may be set at an advanced step in the range by the director of 4028
administrative services. This rate may be limited to 4029
geographical regions of the state. Appointments made to an 4030

advanced step under the provision regarding exceptional 4031
qualifications shall not affect the step assignment of employees 4032
already serving. However, anytime the hiring rate of an entire 4033
classification is advanced to a higher step, all incumbents of 4034
that classification being paid at a step lower than that being 4035
used for hiring, shall be advanced beginning at the start of the 4036
first pay period thereafter to the new hiring rate, and any time 4037
accrued at the lower step will be used to calculate advancement 4038
to a succeeding step. If the hiring rate of a classification is 4039
increased for only a geographical region of the state, only 4040
incumbents who work in that geographical region shall be 4041
advanced to a higher step. When an employee in the unclassified 4042
service changes from one state position to another or is 4043
appointed to a position in the classified service, or if an 4044
employee in the classified service is appointed to a position in 4045
the unclassified service, the employee's salary or wage in the 4046
new position shall be determined in the same manner as if the 4047
employee were an employee in the classified service. When an 4048
employee in the unclassified service who is not eligible for 4049
step increases is appointed to a classification in the 4050
classified service under which step increases are provided, 4051
future step increases shall be based on the date on which the 4052
employee last received a pay increase. If the employee has not 4053
received an increase during the previous year, the date of the 4054
appointment to the classified service shall be used to determine 4055
the employee's annual step advancement eligibility date. In 4056
reassigning any employee to a classification resulting in a pay 4057
range increase or to a new pay range as a result of a promotion, 4058
an increase pay range adjustment, or other classification change 4059
resulting in a pay range increase, the director shall assign 4060
such employee to the step in the new pay range that will provide 4061
an increase of approximately four per cent if the new pay range 4062

can accommodate the increase. When an employee is being assigned 4063
to a classification or new pay range as the result of a class 4064
plan change, if the employee has completed a probationary 4065
period, the employee shall be placed in a step no lower than 4066
step two of the new pay range. If the employee has not completed 4067
a probationary period, the employee may be placed in step one of 4068
the new pay range. Such new salary or wage shall become 4069
effective on such date as the director determines. 4070

(F) If employment conditions and the urgency of the work 4071
require such action, the director of administrative services 4072
may, upon the application of a department head, authorize 4073
payment at any rate established within the range for the class 4074
of work, for work of a casual or intermittent nature or on a 4075
project basis. Payment at such rates shall not be made to the 4076
same individual for more than three calendar months in any one 4077
calendar year. Any such action shall be subject to the approval 4078
of the director of budget and management as to the availability 4079
of funds. This section and sections 124.14 and 124.152 of the 4080
Revised Code do not repeal any authority of any department or 4081
public official to contract with or fix the compensation of 4082
professional persons who may be employed temporarily for work of 4083
a casual nature or for work on a project basis. 4084

(G) (1) Except as provided in divisions (G) (2) and (3) of 4085
this section, each state employee paid in accordance with 4086
schedule B of this section or schedule E-1 of section 124.152 of 4087
the Revised Code shall be eligible for advancement to succeeding 4088
steps in the range for the employee's class or grade according 4089
to the schedule established in this division. Beginning on the 4090
first day of the pay period within which the employee completes 4091
the prescribed probationary period in the employee's 4092
classification with the state, each employee shall receive an 4093

automatic salary adjustment equivalent to the next higher step 4094
within the pay range for the employee's class or grade. 4095

Except as provided in divisions (G) (2) and (3) of this 4096
section, each employee paid in accordance with schedule E-1 of 4097
section 124.152 of the Revised Code shall be eligible to advance 4098
to the next higher step until the employee reaches the top step 4099
in the range for the employee's class or grade, if the employee 4100
has maintained satisfactory performance in accordance with 4101
criteria established by the employee's appointing authority. 4102
Those step advancements shall not occur more frequently than 4103
once in any twelve-month period. 4104

When an employee is promoted, the step entry date shall be 4105
set to account for a probationary period. When an employee is 4106
reassigned to a higher pay range, the step entry date shall be 4107
set to allow an employee who is not at the highest step of the 4108
range to receive a step advancement one year from the 4109
reassignment date. Step advancement shall not be affected by 4110
demotion. A promoted employee shall advance to the next higher 4111
step of the pay range on the first day of the pay period in 4112
which the required probationary period is completed. Step 4113
advancement shall become effective at the beginning of the pay 4114
period within which the employee attains the necessary length of 4115
service. Time spent on authorized leave of absence shall be 4116
counted for this purpose. 4117

If determined to be in the best interest of the state 4118
service, the director of administrative services may, either 4119
statewide or in selected agencies, adjust the dates on which 4120
annual step advancements are received by employees paid in 4121
accordance with schedule E-1 of section 124.152 of the Revised 4122
Code. 4123

(2) (a) There shall be a moratorium on annual step 4124
advancements under division (G) (1) of this section beginning 4125
June 21, 2009, through June 20, 2011. Step advancements shall 4126
resume with the pay period beginning June 21, 2011. Upon the 4127
resumption of step advancements, there shall be no retroactive 4128
step advancements for the period the moratorium was in effect. 4129
The moratorium shall not affect an employee's performance 4130
evaluation schedule. 4131

An employee who begins a probationary period before June 4132
21, 2009, shall advance to the next step in the employee's pay 4133
range at the end of probation, and then become subject to the 4134
moratorium. An employee who is hired, promoted, or reassigned to 4135
a higher pay range between June 21, 2009, through June 20, 2011, 4136
shall not advance to the next step in the employee's pay range 4137
until the next anniversary of the employee's date of hire, 4138
promotion, or reassignment that occurs on or after June 21, 4139
2011. 4140

(b) The moratorium under division (G) (2) (a) of this 4141
section shall apply to the employees of the secretary of state, 4142
the auditor of state, the treasurer of state, and the attorney 4143
general, who are subject to this section unless the secretary of 4144
state, the auditor of state, the treasurer of state, or the 4145
attorney general decides to exempt the office's employees from 4146
the moratorium and so notifies the director of administrative 4147
services in writing on or before July 1, 2009. 4148

(3) Employees in intermittent positions shall be employed 4149
at the minimum rate established for the pay range for their 4150
classification and are not eligible for step advancements. 4151

(H) Employees in appointive managerial or professional 4152
positions paid in accordance with schedule C of this section or 4153

schedule E-2 of section 124.152 of the Revised Code may be 4154
appointed at any rate within the appropriate pay range. This 4155
rate of pay may be adjusted higher or lower within the 4156
respective pay range at any time the appointing authority so 4157
desires as long as the adjustment is based on the employee's 4158
ability to successfully administer those duties assigned to the 4159
employee. Salary adjustments shall not be made more frequently 4160
than once in any six-month period under this provision to 4161
incumbents holding the same position and classification. 4162

(I) When an employee is assigned to duty outside this 4163
state, the employee may be compensated, upon request of the 4164
department head and with the approval of the director of 4165
administrative services, at a rate not to exceed fifty per cent 4166
in excess of the employee's current base rate for the period of 4167
time spent on that duty. 4168

(J) Unless compensation for members of a board or 4169
commission is otherwise specifically provided by law, the 4170
director of administrative services shall establish the rate and 4171
method of payment for members of boards and commissions pursuant 4172
to the pay schedules listed in section 124.152 of the Revised 4173
Code. 4174

(K) Regular full-time employees in positions assigned to 4175
classes within the instruction and education administration 4176
series under the job classification plans of the director of 4177
administrative services, except certificated employees on the 4178
instructional staff of the state school for the blind or the 4179
state school for the deaf, whose positions are scheduled to work 4180
on the basis of an academic year rather than a full calendar 4181
year, shall be paid according to the pay range assigned by the 4182
applicable job classification plan, but only during those pay 4183

periods included in the academic year of the school where the 4184
employee is located. 4185

(1) Part-time or substitute teachers or those whose period 4186
of employment is other than the full academic year shall be 4187
compensated for the actual time worked at the rate established 4188
by this section. 4189

(2) Employees governed by this division are exempt from 4190
sections 124.13 and 124.19 of the Revised Code. 4191

(3) Length of service for the purpose of determining 4192
eligibility for step advancements as provided by division (G) of 4193
this section and for the purpose of determining eligibility for 4194
longevity pay supplements as provided by division (E) of section 4195
124.181 of the Revised Code shall be computed on the basis of 4196
one full year of service for the completion of each academic 4197
year. 4198

(L) The superintendent of the state school for the deaf 4199
and the superintendent of the state school for the blind shall, 4200
subject to the approval of the ~~superintendent of public~~ 4201
~~instruction~~ director of education and workforce, carry out both 4202
of the following: 4203

(1) Annually, between the first day of April and the last 4204
day of June, establish for the ensuing fiscal year a schedule of 4205
hourly rates for the compensation of each certificated employee 4206
on the instructional staff of that superintendent's respective 4207
school constructed as follows: 4208

(a) Determine for each level of training, experience, and 4209
other professional qualification for which an hourly rate is set 4210
forth in the current schedule, the per cent that rate is of the 4211
rate set forth in such schedule for a teacher with a bachelor's 4212

degree and no experience. If there is more than one such rate 4213
for such a teacher, the lowest rate shall be used to make the 4214
computation. 4215

(b) Determine which six city, local, and exempted village 4216
school districts with territory in Franklin county have in 4217
effect on, or have adopted by, the first day of April for the 4218
school year that begins on the ensuing first day of July, 4219
teacher salary schedules with the highest minimum salaries for a 4220
teacher with a bachelor's degree and no experience; 4221

(c) Divide the sum of such six highest minimum salaries by 4222
ten thousand five hundred sixty; 4223

(d) Multiply each per cent determined in division (L) (1) 4224
(a) of this section by the quotient obtained in division (L) (1) 4225
(c) of this section; 4226

(e) One hundred five per cent of each product thus 4227
obtained shall be the hourly rate for the corresponding level of 4228
training, experience, or other professional qualification in the 4229
schedule for the ensuing fiscal year. 4230

(2) Annually, assign each certificated employee on the 4231
instructional staff of the superintendent's respective school to 4232
an hourly rate on the schedule that is commensurate with the 4233
employee's training, experience, and other professional 4234
qualifications. 4235

If an employee is employed on the basis of an academic 4236
year, the employee's annual salary shall be calculated by 4237
multiplying the employee's assigned hourly rate times one 4238
thousand seven hundred sixty. If an employee is not employed on 4239
the basis of an academic year, the employee's annual salary 4240
shall be calculated in accordance with the following formula: 4241

(a) Multiply the number of days the employee is required 4242
to work pursuant to the employee's contract by eight; 4243

(b) Multiply the product of division (L) (2) (a) of this 4244
section by the employee's assigned hourly rate. 4245

Each employee shall be paid an annual salary in biweekly 4246
installments. The amount of each installment shall be calculated 4247
by dividing the employee's annual salary by the number of 4248
biweekly installments to be paid during the year. 4249

Sections 124.13 and 124.19 of the Revised Code do not 4250
apply to an employee who is paid under this division. 4251

As used in this division, "academic year" means the number 4252
of days in each school year that the schools are required to be 4253
open for instruction with pupils in attendance. Upon completing 4254
an academic year, an employee paid under this division shall be 4255
deemed to have completed one year of service. An employee paid 4256
under this division is eligible to receive a pay supplement 4257
under division (L) (1), (2), or (3) of section 124.181 of the 4258
Revised Code for which the employee qualifies, but is not 4259
eligible to receive a pay supplement under division (L) (4) or 4260
(5) of that section. An employee paid under this division is 4261
eligible to receive a pay supplement under division (L) (6) of 4262
section 124.181 of the Revised Code for which the employee 4263
qualifies, except that the supplement is not limited to a 4264
maximum of five per cent of the employee's regular base salary 4265
in a calendar year. 4266

(M) Division (A) of this section does not apply to "exempt 4267
employees," as defined in section 124.152 of the Revised Code, 4268
who are paid under that section. 4269

Notwithstanding any other provisions of this chapter, when 4270

an employee transfers between bargaining units or transfers out 4271
of or into a bargaining unit, the director of administrative 4272
services shall establish the employee's compensation and adjust 4273
the maximum leave accrual schedule as the director deems 4274
equitable. 4275

Sec. 124.382. (A) As used in this section and sections 4276
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 4277

(1) "Pay period" means the fourteen-day period of time 4278
during which the payroll is accumulated, as determined by the 4279
director of administrative services. 4280

(2) "Active pay status" means the conditions under which 4281
an employee is eligible to receive pay, and includes, but is not 4282
limited to, vacation leave, sick leave, personal leave, 4283
bereavement leave, and administrative leave. 4284

(3) "No pay status" means the conditions under which an 4285
employee is ineligible to receive pay and includes, but is not 4286
limited to, leave without pay, leave of absence, and disability 4287
leave. 4288

(4) "Disability leave" means the leave granted pursuant to 4289
section 124.385 of the Revised Code. 4290

(5) "Full-time permanent employee" means an employee whose 4291
regular hours of duty total eighty hours in a pay period in a 4292
state agency and whose appointment is not for a limited period 4293
of time. 4294

(6) "Base rate of pay" means the rate of pay established 4295
under schedule B or C of section 124.15 of the Revised Code or 4296
under schedule E-1 or schedule E-2 of section 124.152 of the 4297
Revised Code, plus any supplement provided under section 124.181 4298
of the Revised Code, plus any supplements enacted into law which 4299

are added to schedule B or C of section 124.15 of the Revised 4300
Code or to schedule E-1 or schedule E-2 of section 124.152 of 4301
the Revised Code. 4302

(7) "Part-time permanent employee" means an employee whose 4303
regular hours of duty total less than eighty hours in a pay 4304
period in a state agency and whose appointment is not for a 4305
limited period of time. 4306

(B) Each full-time permanent and part-time permanent 4307
employee whose salary or wage is paid directly by warrant of the 4308
director of budget and management shall be credited with sick 4309
leave of three and one-tenth hours for each completed eighty 4310
hours of service, excluding overtime hours worked. Sick leave is 4311
not available for use until it appears on the employee's earning 4312
statement and the compensation described in the earning 4313
statement is available to the employee. 4314

(C) Any sick leave credit provided pursuant to division 4315
(B) of this section, remaining as of the last day of the pay 4316
period preceding the first paycheck the employee receives in 4317
December, shall be converted pursuant to section 124.383 of the 4318
Revised Code. 4319

(D) Employees may use sick leave, provided a credit 4320
balance is available, upon approval of the responsible 4321
administrative officer of the employing unit, for absence due to 4322
personal illness, pregnancy, injury, exposure to contagious 4323
disease that could be communicated to other employees, and 4324
illness, injury, or death in the employee's immediate family. 4325
When sick leave is used, it shall be deducted from the 4326
employee's credit on the basis of absence from previously 4327
scheduled work in such increments of an hour and at such a 4328
compensation rate as the director of administrative services 4329

determines. The appointing authority of each employing unit may 4330
require an employee to furnish a satisfactory, signed statement 4331
to justify the use of sick leave. 4332

If, after having utilized the credit provided by this 4333
section, an employee utilizes sick leave that was accumulated 4334
prior to November 15, 1981, compensation for such sick leave 4335
used shall be at a rate as the director determines. 4336

(E) (1) The previously accumulated sick leave balance of an 4337
employee who has been separated from the public service, for 4338
which separation payments pursuant to section 124.384 of the 4339
Revised Code have not been made, shall be placed to the 4340
employee's credit upon the employee's reemployment in the public 4341
service, if the reemployment takes place within ten years of the 4342
date on which the employee was last terminated from public 4343
service. 4344

(2) The previously accumulated sick leave balance of an 4345
employee who has separated from a school district shall be 4346
placed to the employee's credit upon the employee's appointment 4347
as an unclassified employee of the state department of education 4348
and workforce, if all of the following apply: 4349

(a) The employee accumulated the sick leave balance while 4350
employed by the school district. 4351

(b) The employee did not receive any separation payments 4352
for the sick leave balance. 4353

(c) The employee's employment with the department takes 4354
place within ten years after the date on which the employee 4355
separated from the school district. 4356

(F) An employee who transfers from one public agency to 4357
another shall be credited with the unused balance of the 4358

employee's accumulated sick leave. 4359

(G) The director of administrative services shall 4360
establish procedures to uniformly administer this section. No 4361
sick leave may be granted to a state employee upon or after the 4362
employee's retirement or termination of employment. 4363

(H) As used in this division, "active payroll" means 4364
conditions under which an employee is in active pay status or 4365
eligible to receive pay for an approved leave of absence, 4366
including, but not limited to, occupational injury leave, 4367
disability leave, or workers' compensation. 4368

(1) Employees who are in active payroll status on June 18, 4369
2011, shall receive a one-time credit of additional sick leave 4370
in the pay period that begins on July 1, 2011. Full-time 4371
employees shall receive the lesser of either a one-time credit 4372
of thirty-two hours of additional sick leave or a one-time 4373
credit of additional sick leave equivalent to half the hours of 4374
personal leave the employee lost during the moratorium 4375
established under either division (A) of section 124.386 of the 4376
Revised Code or pursuant to a rule of the director of 4377
administrative services. Part-time employees shall receive a 4378
one-time credit of sixteen hours of additional sick leave. 4379

(2) Employees who are not in active payroll status due to 4380
military leave or an absence taken in accordance with the 4381
federal "Family and Medical Leave Act" are eligible to receive 4382
the one-time additional sick leave credit. 4383

(3) The one-time additional sick leave credit does not 4384
apply to employees of the supreme court, general assembly, 4385
legislative service commission, secretary of state, auditor of 4386
state, treasurer of state, or attorney general unless the 4387

supreme court, general assembly, legislative service commission, 4388
secretary of state, auditor of state, treasurer of state, or 4389
attorney general participated in the moratorium under division 4390
(H) or (I) of section 124.386 of the Revised Code and notifies 4391
in writing the director of administrative services on or before 4392
June 1, 2011, of the decision to participate in the one-time 4393
additional sick leave credit. Written notice under this division 4394
shall be signed by the appointing authority for employees of the 4395
supreme court, general assembly, or legislative service 4396
commission, as the case may be. 4397

Sec. 124.384. (A) Except as otherwise provided in this 4398
section, employees whose salaries or wages are paid by warrant 4399
of the director of budget and management and who have 4400
accumulated sick leave under section 124.38 or 124.382 of the 4401
Revised Code shall be paid for a percentage of their accumulated 4402
balances, upon separation for any reason, including death but 4403
excluding retirement, at their last base rate of pay at the rate 4404
of one hour of pay for every two hours of accumulated balances. 4405
An employee who retires in accordance with any retirement plan 4406
offered by the state shall be paid upon retirement for each hour 4407
of the employee's accumulated sick leave balance at a rate of 4408
fifty-five per cent of the employee's last base rate of pay. 4409

An employee serving in a temporary work level who elects 4410
to convert unused sick leave to cash shall do so at the base 4411
rate of pay of the employee's normal classification. If an 4412
employee dies, the employee's unused sick leave shall be paid in 4413
accordance with section 2113.04 of the Revised Code or to the 4414
employee's estate. 4415

In order to be eligible for the payment authorized by this 4416
section, an employee shall have at least one year of state 4417

service and shall request all or a portion of that payment no 4418
later than three years after separation from state service. No 4419
person is eligible to receive all or a portion of the payment 4420
authorized by this section at any time later than three years 4421
after the person's separation from state service. 4422

(B) A person initially employed on or after July 5, 1987, 4423
by a state agency in which the employees' salaries or wages are 4424
paid directly by warrant of the director of budget and 4425
management shall receive payment under this section only for 4426
sick leave accumulated while employed by state agencies in which 4427
the employees' salaries or wages are paid directly by warrant of 4428
the director of budget and management. Additionally, a person 4429
initially employed on or after July 5, 1987, but before October 4430
1, 2017, by the state department of education and workforce as 4431
an unclassified employee shall receive payment under this 4432
section for sick leave placed to the employee's credit under 4433
division (E) (2) of section 124.382 of the Revised Code. 4434

(C) For employees paid in accordance with section 124.152 4435
of the Revised Code and those employees listed in divisions (B) 4436
(2) and (4) of section 124.14 of the Revised Code, the director 4437
of administrative services, with the approval of the director of 4438
budget and management, may establish a plan for early payment of 4439
accrued sick leave and vacation leave. 4440

Sec. 125.05. Except as provided in division (D) or (E) of 4441
this section, no state agency shall purchase any supplies or 4442
services except as provided in divisions (A) to (C) of this 4443
section. 4444

(A) A state agency may, without competitive selection, 4445
make any purchase of supplies or services that cost less than 4446
fifty thousand dollars after complying with divisions (A) to (E) 4447

of section 125.035 of the Revised Code. The agency may make the 4448
purchase directly or may make the purchase from or through the 4449
department of administrative services, whichever the agency 4450
determines. The agency shall adopt written procedures consistent 4451
with the department's purchasing procedures and shall use those 4452
procedures when making purchases under this division. 4453

Section 127.16 of the Revised Code does not apply to 4454
purchases made under this division. 4455

(B) A state agency shall make purchases of supplies and 4456
services that cost fifty thousand dollars or more through the 4457
department of administrative services and the process provided 4458
in section 125.035 of the Revised Code, unless the department 4459
grants a waiver under division (D) or (E) of that section and a 4460
release and permit under division (G) of that section. 4461

(C) An agency that has been granted a release and permit 4462
under division (G) of section 125.035 of the Revised Code to 4463
make a purchase may make the purchase without competitive 4464
selection if after making the purchase the cumulative purchase 4465
threshold as computed under division (E) of section 127.16 of 4466
the Revised Code would: 4467

(1) Be exceeded and the controlling board approves the 4468
purchase; 4469

(2) Not be exceeded and the department of administrative 4470
services approves the purchase. 4471

(D) If the department of education and workforce or the 4472
Ohio education computer network determines that it can purchase 4473
software services or supplies for specified school districts at 4474
a price less than the price for which the districts could 4475
purchase the same software services or supplies for themselves, 4476

the department or network shall certify that fact to the 4477
department of administrative services and, acting as an agent 4478
for the specified school districts, shall make that purchase 4479
without following the provisions in divisions (A) to (D) of this 4480
section. 4481

(E) When the purchase cost of personal protective 4482
equipment is less than fifty thousand dollars, a state agency 4483
shall comply with divisions (A) to (E) of section 125.035 of the 4484
Revised Code. If the purchase is not subject to the requirements 4485
of an applicable first or second requisite procurement program, 4486
the agency shall apply the same preferences in section 125.09 of 4487
the Revised Code when making the purchase. As used in this 4488
division, "personal protective equipment" means equipment worn 4489
to minimize exposure to hazards that cause workplace injuries 4490
and illnesses. 4491

Sec. 125.13. (A) As used in this section: 4492

(1) "Emergency medical service organization" has the same 4493
meaning as in section 4765.01 of the Revised Code. 4494

(2) "Private fire company" has the same meaning as in 4495
section 9.60 of the Revised Code. 4496

(B) Whenever a state agency has excess or surplus 4497
supplies, it shall notify the director of administrative 4498
services. On forms provided by the director, the state agency 4499
shall furnish to the director a list of its excess and surplus 4500
supplies, including the location of the supplies and whether the 4501
supplies are currently in the agency's control. 4502

(C) Upon receipt of notification and at no cost to the 4503
state agency, the director of administrative services shall make 4504
arrangements for their disposition and shall take immediate 4505

control of a state agency's excess and surplus supplies, except 4506
for the following excess and surplus supplies: 4507

(1) Excess or surplus supplies that have a value below the 4508
minimum value that the director establishes for excess and 4509
surplus supplies under division (F) of this section; 4510

(2) Excess or surplus supplies that the director has 4511
authorized an agency to donate to a governmental agency, 4512
including, but not limited to, public schools and surplus 4513
computers and computer equipment transferred to a public school 4514
under division (G) of this section; 4515

(3) Excess or surplus supplies that an agency trades in as 4516
full or partial payment when purchasing a replacement item; 4517

(4) Hazardous property; 4518

(5) Excess or surplus supplies that the director has 4519
authorized to be part of an interagency transfer; 4520

(6) Excess or surplus supplies that are donated under 4521
division (H) of this section. 4522

(D) The director shall inventory excess and surplus 4523
supplies in the director's control and post on a public web site 4524
a list of the supplies available for acquisition. The director 4525
may have the supplies repaired. The director shall not charge a 4526
fee for the collection or transportation of excess and surplus 4527
supplies. 4528

(E) The director may do any of the following: 4529

(1) Dispose of declared surplus or excess supplies in the 4530
director's control by sale, lease, donation, or transfer. If the 4531
director does so, the director shall dispose of those supplies 4532
in any of the following manners: 4533

- (a) To state agencies or by interagency trade; 4534
- (b) To state-supported or state-assisted institutions of higher education; 4535
4536
- (c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations; 4537
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4540
- (d) To nonpublic elementary and secondary schools chartered by the ~~state board~~ department of education and workforce under section 3301.16 of the Revised Code; 4541
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- (e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c) (3) and that receives funds from the state or has a contract with the state; 4544
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- (f) To the general public by auction, sealed bid, sale, or negotiation. 4548
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- (2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E) (1) (a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 4550
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(F) The director may adopt rules governing the sale, 4563
lease, or transfer of surplus and excess supplies in the 4564
director's control by public auction, sealed bid, sale, or 4565
negotiation, except that no employee of the disposing agency 4566
shall be allowed to purchase, lease, or receive any such 4567
supplies. The director may dispose of declared surplus or excess 4568
supplies, including motor vehicles, in the director's control as 4569
the director determines proper if such supplies cannot be 4570
disposed of pursuant to division (E) of this section. The 4571
director shall by rule establish a minimum value for excess and 4572
surplus supplies and prescribe procedures for a state agency to 4573
follow in disposing of excess and surplus supplies in its 4574
control that have a value below the minimum value established by 4575
the director. 4576

(G) The director of administrative services may authorize 4577
any state agency to transfer surplus computers and computer 4578
equipment that are not needed by other state agencies directly 4579
to an accredited public school within the state. The computers 4580
and computer equipment may be repaired or refurbished prior to 4581
transfer. The state agency may charge a service fee to the 4582
public schools for the property not to exceed the direct cost of 4583
repairing or refurbishing it. The state agency shall deposit 4584
such funds into the account used for repair or refurbishment. 4585

(H) Excess and surplus supplies of food shall be exempt 4586
from this section and may be donated directly to nonprofit food 4587
pantries and institutions without notification to the director 4588
of administrative services. 4589

Sec. 133.06. (A) A school district shall not incur, 4590
without a vote of the electors, net indebtedness that exceeds an 4591
amount equal to one-tenth of one per cent of its tax valuation, 4592

except as provided in divisions (G) and (H) of this section and 4593
in division (D) of section 3313.372 of the Revised Code, or as 4594
prescribed in section 3318.052 or 3318.44 of the Revised Code, 4595
or as provided in division (J) of this section. 4596

(B) Except as provided in divisions (E), (F), and (I) of 4597
this section, a school district shall not incur net indebtedness 4598
that exceeds an amount equal to nine per cent of its tax 4599
valuation. 4600

(C) A school district shall not submit to a vote of the 4601
electors the question of the issuance of securities in an amount 4602
that will make the district's net indebtedness after the 4603
issuance of the securities exceed an amount equal to four per 4604
cent of its tax valuation, unless the ~~superintendent of public~~ 4605
~~instruction~~director of education and workforce, acting under 4606
policies adopted by the ~~state board~~department of education and 4607
workforce, and the tax commissioner, acting under written 4608
policies of the commissioner, consent to the submission. A 4609
request for the consents shall be made at least one hundred 4610
twenty days prior to the election at which the question is to be 4611
submitted. 4612

The ~~superintendent of public instruction~~director of 4613
education and workforce shall certify to the district the 4614
~~superintendent's~~director's and the tax commissioner's decisions 4615
within thirty days after receipt of the request for consents. 4616

If the electors do not approve the issuance of securities 4617
at the election for which the ~~superintendent of public~~ 4618
~~instruction~~director of education and workforce and tax 4619
commissioner consented to the submission of the question, the 4620
school district may submit the same question to the electors on 4621
the date that the next special election may be held under 4622

section 3501.01 of the Revised Code without submitting a new 4623
request for consent. If the school district seeks to submit the 4624
same question at any other subsequent election, the district 4625
shall first submit a new request for consent in accordance with 4626
this division. 4627

(D) In calculating the net indebtedness of a school 4628
district, none of the following shall be considered: 4629

(1) Securities issued to acquire school buses and other 4630
equipment used in transporting pupils or issued pursuant to 4631
division (D) of section 133.10 of the Revised Code; 4632

(2) Securities issued under division (F) of this section 4633
and, to the extent in excess of the limitation stated in 4634
division (B) of this section, under division (E) of this 4635
section; 4636

(3) Indebtedness resulting from the dissolution of a joint 4637
vocational school district under section 3311.217 of the Revised 4638
Code, evidenced by outstanding securities of that joint 4639
vocational school district; 4640

(4) Loans, evidenced by any securities, received under 4641
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 4642

(5) Debt incurred under section 3313.374 of the Revised 4643
Code; 4644

(6) Debt incurred pursuant to division (B)(5) of section 4645
3313.37 of the Revised Code to acquire computers and related 4646
hardware; 4647

(7) Debt incurred under section 3318.042 of the Revised 4648
Code; 4649

(8) Debt incurred under section 5705.2112 or 5705.2113 of 4650

the Revised Code by the fiscal board of a qualifying partnership 4651
of which the school district is a participating school district. 4652

(E) A school district may become a special needs district 4653
as to certain securities as provided in division (E) of this 4654
section. 4655

(1) A board of education, by resolution, may declare its 4656
school district to be a special needs district by determining 4657
both of the following: 4658

(a) The student population is not being adequately 4659
serviced by the existing permanent improvements of the district. 4660

(b) The district cannot obtain sufficient funds by the 4661
issuance of securities within the limitation of division (B) of 4662
this section to provide additional or improved needed permanent 4663
improvements in time to meet the needs. 4664

(2) The board of education shall certify a copy of that 4665
resolution to the ~~superintendent of public instruction~~ director 4666
of education and workforce with a statistical report showing all 4667
of the following: 4668

(a) The history of and a projection of the growth of the 4669
tax valuation; 4670

(b) The projected needs; 4671

(c) The estimated cost of permanent improvements proposed 4672
to meet such projected needs. 4673

(3) The ~~superintendent of public instruction~~ director of 4674
education and workforce shall certify the district as an 4675
approved special needs district if the ~~superintendent~~ director 4676
finds both of the following: 4677

(a) The district does not have available sufficient 4678
additional funds from state or federal sources to meet the 4679
projected needs. 4680

(b) The projection of the potential average growth of tax 4681
valuation during the next five years, according to the 4682
information certified to the ~~superintendent~~director and any 4683
other information the ~~superintendent~~director obtains, indicates 4684
a likelihood of potential average growth of tax valuation of the 4685
district during the next five years of an average of not less 4686
than one and one-half per cent per year. The findings and 4687
certification of the ~~superintendent~~director shall be 4688
conclusive. 4689

(4) An approved special needs district may incur net 4690
indebtedness by the issuance of securities in accordance with 4691
the provisions of this chapter in an amount that does not exceed 4692
an amount equal to the greater of the following: 4693

(a) Twelve per cent of the sum of its tax valuation plus 4694
an amount that is the product of multiplying that tax valuation 4695
by the percentage by which the tax valuation has increased over 4696
the tax valuation on the first day of the sixtieth month 4697
preceding the month in which its board determines to submit to 4698
the electors the question of issuing the proposed securities; 4699

(b) Twelve per cent of the sum of its tax valuation plus 4700
an amount that is the product of multiplying that tax valuation 4701
by the percentage, determined by the ~~superintendent of public~~
~~instruction~~director of education and workforce, by which that 4702
tax valuation is projected to increase during the next ten 4703
years. 4704
4705

(F) A school district may issue securities for emergency 4706

purposes, in a principal amount that does not exceed an amount 4707
equal to three per cent of its tax valuation, as provided in 4708
this division. 4709

(1) A board of education, by resolution, may declare an 4710
emergency if it determines both of the following: 4711

(a) School buildings or other necessary school facilities 4712
in the district have been wholly or partially destroyed, or 4713
condemned by a constituted public authority, or that such 4714
buildings or facilities are partially constructed, or so 4715
constructed or planned as to require additions and improvements 4716
to them before the buildings or facilities are usable for their 4717
intended purpose, or that corrections to permanent improvements 4718
are necessary to remove or prevent health or safety hazards. 4719

(b) Existing fiscal and net indebtedness limitations make 4720
adequate replacement, additions, or improvements impossible. 4721

(2) Upon the declaration of an emergency, the board of 4722
education may, by resolution, submit to the electors of the 4723
district pursuant to section 133.18 of the Revised Code the 4724
question of issuing securities for the purpose of paying the 4725
cost, in excess of any insurance or condemnation proceeds 4726
received by the district, of permanent improvements to respond 4727
to the emergency need. 4728

(3) The procedures for the election shall be as provided 4729
in section 133.18 of the Revised Code, except that: 4730

(a) The form of the ballot shall describe the emergency 4731
existing, refer to this division as the authority under which 4732
the emergency is declared, and state that the amount of the 4733
proposed securities exceeds the limitations prescribed by 4734
division (B) of this section; 4735

(b) The resolution required by division (B) of section 4736
133.18 of the Revised Code shall be certified to the county 4737
auditor and the board of elections at least one hundred days 4738
prior to the election; 4739

(c) The county auditor shall advise and, not later than 4740
ninety-five days before the election, confirm that advice by 4741
certification to, the board of education of the information 4742
required by division (C) of section 133.18 of the Revised Code; 4743

(d) The board of education shall then certify its 4744
resolution and the information required by division (D) of 4745
section 133.18 of the Revised Code to the board of elections not 4746
less than ninety days prior to the election. 4747

(4) Notwithstanding division (B) of section 133.21 of the 4748
Revised Code, the first principal payment of securities issued 4749
under this division may be set at any date not later than sixty 4750
months after the earliest possible principal payment otherwise 4751
provided for in that division. 4752

(G) (1) The board of education may contract with an 4753
architect, professional engineer, or other person experienced in 4754
the design and implementation of energy conservation measures 4755
for an analysis and recommendations pertaining to installations, 4756
modifications of installations, or remodeling that would 4757
significantly reduce energy consumption in buildings owned by 4758
the district. The report shall include estimates of all costs of 4759
such installations, modifications, or remodeling, including 4760
costs of design, engineering, installation, maintenance, 4761
repairs, measurement and verification of energy savings, and 4762
debt service, forgone residual value of materials or equipment 4763
replaced by the energy conservation measure, as defined by the 4764
Ohio facilities construction commission, a baseline analysis of 4765

actual energy consumption data for the preceding three years 4766
with the utility baseline based on only the actual energy 4767
consumption data for the preceding twelve months, and estimates 4768
of the amounts by which energy consumption and resultant 4769
operational and maintenance costs, as defined by the commission, 4770
would be reduced. 4771

If the board finds after receiving the report that the 4772
amount of money the district would spend on such installations, 4773
modifications, or remodeling is not likely to exceed the amount 4774
of money it would save in energy and resultant operational and 4775
maintenance costs over the ensuing fifteen years, the board may 4776
submit to the commission a copy of its findings and a request 4777
for approval to incur indebtedness to finance the making or 4778
modification of installations or the remodeling of buildings for 4779
the purpose of significantly reducing energy consumption. 4780

The facilities construction commission, in consultation 4781
with the auditor of state, may deny a request under division (G) 4782
(1) of this section by the board of education of any school 4783
district that is in a state of fiscal watch pursuant to division 4784
(A) of section 3316.03 of the Revised Code, if it determines 4785
that the expenditure of funds is not in the best interest of the 4786
school district. 4787

No district board of education of a school district that 4788
is in a state of fiscal emergency pursuant to division (B) of 4789
section 3316.03 of the Revised Code shall submit a request 4790
without submitting evidence that the installations, 4791
modifications, or remodeling have been approved by the 4792
district's financial planning and supervision commission 4793
established under section 3316.05 of the Revised Code. 4794

No board of education of a school district for which an 4795

academic distress commission has been established under section 4796
3302.10 of the Revised Code shall submit a request without first 4797
receiving approval to incur indebtedness from the district's 4798
academic distress commission established under that section, for 4799
so long as such commission continues to be required for the 4800
district. 4801

(2) The board of education may contract with a person 4802
experienced in the implementation of student transportation to 4803
produce a report that includes an analysis of and 4804
recommendations for the use of alternative fuel vehicles by 4805
school districts. The report shall include cost estimates 4806
detailing the return on investment over the life of the 4807
alternative fuel vehicles and environmental impact of 4808
alternative fuel vehicles. The report also shall include 4809
estimates of all costs associated with alternative fuel 4810
transportation, including facility modifications and vehicle 4811
purchase costs or conversion costs. 4812

If the board finds after receiving the report that the 4813
amount of money the district would spend on purchasing 4814
alternative fuel vehicles or vehicle conversion is not likely to 4815
exceed the amount of money it would save in fuel and resultant 4816
operational and maintenance costs over the ensuing five years, 4817
the board may submit to the commission a copy of its findings 4818
and a request for approval to incur indebtedness to finance the 4819
purchase of new alternative fuel vehicles or vehicle conversions 4820
for the purpose of reducing fuel costs. 4821

The facilities construction commission, in consultation 4822
with the auditor of state, may deny a request under division (G) 4823
(2) of this section by the board of education of any school 4824
district that is in a state of fiscal watch pursuant to division 4825

(A) of section 3316.03 of the Revised Code, if it determines 4826
that the expenditure of funds is not in the best interest of the 4827
school district. 4828

No district board of education of a school district that 4829
is in a state of fiscal emergency pursuant to division (B) of 4830
section 3316.03 of the Revised Code shall submit a request 4831
without submitting evidence that the purchase or conversion of 4832
alternative fuel vehicles has been approved by the district's 4833
financial planning and supervision commission established under 4834
section 3316.05 of the Revised Code. 4835

No board of education of a school district for which an 4836
academic distress commission has been established under section 4837
3302.10 of the Revised Code shall submit a request without first 4838
receiving approval to incur indebtedness from the district's 4839
academic distress commission established under that section, for 4840
so long as such commission continues to be required for the 4841
district. 4842

(3) The facilities construction commission shall approve 4843
the board's request provided that the following conditions are 4844
satisfied: 4845

(a) The commission determines that the board's findings 4846
are reasonable. 4847

(b) The request for approval is complete. 4848

(c) If the request was submitted under division (G) (1) of 4849
this section, the installations, modifications, or remodeling 4850
are consistent with any project to construct or acquire 4851
classroom facilities, or to reconstruct or make additions to 4852
existing classroom facilities under sections 3318.01 to 3318.20 4853
or sections 3318.40 to 3318.45 of the Revised Code. 4854

Upon receipt of the commission's approval, the district 4855
may issue securities without a vote of the electors in a 4856
principal amount not to exceed nine-tenths of one per cent of 4857
its tax valuation for the purpose specified in division (G) (1) 4858
or (2) of this section, but the total net indebtedness of the 4859
district without a vote of the electors incurred under this and 4860
all other sections of the Revised Code, except section 3318.052 4861
of the Revised Code, shall not exceed one per cent of the 4862
district's tax valuation. 4863

(4) (a) So long as any securities issued under division (G) 4864
(1) of this section remain outstanding, the board of education 4865
shall monitor the energy consumption and resultant operational 4866
and maintenance costs of buildings in which installations or 4867
modifications have been made or remodeling has been done 4868
pursuant to that division. Except as provided in division (G) (4) 4869
(b) of this section, the board shall maintain and annually 4870
update a report in a form and manner prescribed by the 4871
facilities construction commission documenting the reductions in 4872
energy consumption and resultant operational and maintenance 4873
cost savings attributable to such installations, modifications, 4874
or remodeling. The resultant operational and maintenance cost 4875
savings shall be certified by the school district treasurer. The 4876
report shall be submitted annually to the commission. 4877

(b) If the facilities construction commission verifies 4878
that the certified annual reports submitted to the commission by 4879
a board of education under division (G) (4) (a) of this section 4880
fulfill the guarantee required under division (B) of section 4881
3313.372 of the Revised Code for three consecutive years, the 4882
board of education shall no longer be subject to the annual 4883
reporting requirements of division (G) (4) (a) of this section. 4884

(5) So long as any securities issued under division (G) (2) 4885
of this section remain outstanding, the board of education shall 4886
monitor the purchase of new alternative fuel vehicles or vehicle 4887
conversions pursuant to that division. The board shall maintain 4888
and annually update a report in a form and manner prescribed by 4889
the facilities construction commission documenting the purchase 4890
of new alternative fuel vehicles or vehicle conversions, the 4891
associated environmental impact, and return on investment. The 4892
resultant fuel and operational and maintenance cost savings 4893
shall be certified by the school district treasurer. The report 4894
shall be submitted annually to the commission. 4895

(H) With the consent of the ~~superintendent of public~~ 4896
~~instruction~~ director of education and workforce, a school 4897
district may incur without a vote of the electors net 4898
indebtedness that exceeds the amounts stated in divisions (A) 4899
and (G) of this section for the purpose of paying costs of 4900
permanent improvements, if and to the extent that both of the 4901
following conditions are satisfied: 4902

(1) The fiscal officer of the school district estimates 4903
that receipts of the school district from payments made under or 4904
pursuant to agreements entered into pursuant to section 725.02, 4905
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4906
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 4907
or 5709.82 of the Revised Code, or distributions under division 4908
(C) of section 5709.43 or division (B) of section 5709.47 of the 4909
Revised Code, or any combination thereof, are, after accounting 4910
for any appropriate coverage requirements, sufficient in time 4911
and amount, and are committed by the proceedings, to pay the 4912
debt charges on the securities issued to evidence that 4913
indebtedness and payable from those receipts, and the taxing 4914
authority of the district confirms the fiscal officer's 4915

estimate, which confirmation is approved by the ~~superintendent-~~ 4916
~~of public instruction~~director of education and workforce; 4917

(2) The fiscal officer of the school district certifies, 4918
and the taxing authority of the district confirms, that the 4919
district, at the time of the certification and confirmation, 4920
reasonably expects to have sufficient revenue available for the 4921
purpose of operating such permanent improvements for their 4922
intended purpose upon acquisition or completion thereof, and the 4923
~~superintendent of public instruction~~director of education and 4924
workforce approves the taxing authority's confirmation. 4925

The maximum maturity of securities issued under division 4926
(H) of this section shall be the lesser of twenty years or the 4927
maximum maturity calculated under section 133.20 of the Revised 4928
Code. 4929

(I) A school district may incur net indebtedness by the 4930
issuance of securities in accordance with the provisions of this 4931
chapter in excess of the limit specified in division (B) or (C) 4932
of this section when necessary to raise the school district 4933
portion of the basic project cost and any additional funds 4934
necessary to participate in a project under Chapter 3318. of the 4935
Revised Code, including the cost of items designated by the 4936
facilities construction commission as required locally funded 4937
initiatives, the cost of other locally funded initiatives in an 4938
amount that does not exceed fifty per cent of the district's 4939
portion of the basic project cost, and the cost for site 4940
acquisition. A school district shall notify the ~~superintendent-~~ 4941
~~of public instruction~~director of education and workforce 4942
whenever that district will exceed either limit pursuant to this 4943
division. 4944

(J) A school district whose portion of the basic project 4945

cost of its classroom facilities project under sections 3318.01 4946
to 3318.20 of the Revised Code is greater than or equal to one 4947
hundred million dollars may incur without a vote of the electors 4948
net indebtedness in an amount up to two per cent of its tax 4949
valuation through the issuance of general obligation securities 4950
in order to generate all or part of the amount of its portion of 4951
the basic project cost if the controlling board has approved the 4952
facilities construction commission's conditional approval of the 4953
project under section 3318.04 of the Revised Code. The school 4954
district board and the Ohio facilities construction commission 4955
shall include the dedication of the proceeds of such securities 4956
in the agreement entered into under section 3318.08 of the 4957
Revised Code. No state moneys shall be released for a project to 4958
which this section applies until the proceeds of any bonds 4959
issued under this section that are dedicated for the payment of 4960
the school district portion of the project are first deposited 4961
into the school district's project construction fund. 4962

Sec. 133.061. (A) This section applies only to a school 4963
district that satisfies all of the following conditions: 4964

(1) The district, prior to June 30, 2007, undertook a 4965
classroom facilities project under section 3318.37 of the 4966
Revised Code. 4967

(2) The district will undertake a subsequent classroom 4968
facilities project under section 3318.37 of the Revised Code 4969
that will consist of a single building housing grades six 4970
through twelve. 4971

(3) The district's project described in division (A) (2) of 4972
this section will include locally funded initiatives that are 4973
not required by the Ohio facilities construction commission. 4974

(4) The district's project described in division (A) (2) of 4975
this section will commence within two years after June 30, 2007. 4976

(B) Notwithstanding any other provision of law to the 4977
contrary, a school district to which this section applies may 4978
incur net indebtedness by the issuance of securities in 4979
accordance with the provisions of this chapter in excess of the 4980
limit specified in division (B) or (C) of section 133.06 of the 4981
Revised Code when necessary to raise the school district portion 4982
of the basic project cost and any additional funds necessary to 4983
participate in the classroom facilities project described in 4984
division (A) (2) of this section, including the cost of items 4985
designated by the Ohio facilities construction commission as 4986
required locally funded initiatives, the cost for site 4987
acquisition, and the cost of the locally funded initiatives that 4988
are not required by the commission described in division (A) (3) 4989
of this section, as long as the district's total net 4990
indebtedness after the issuance of those securities does not 4991
exceed one hundred twenty-five per cent of the limit prescribed 4992
in division (B) of section 133.06 of the Revised Code and the 4993
electors of the district approve the issuance of those 4994
securities. 4995

The facilities construction commission shall notify the 4996
~~superintendent of public instruction~~ director of education and 4997
workforce whenever a school district will exceed either limit 4998
pursuant to this section. 4999

Sec. 135.142. (A) In addition to the investments 5000
authorized by section 135.14 of the Revised Code, any board of 5001
education, by a two-thirds vote of its members, may authorize 5002
the treasurer of the board of education to invest up to forty 5003
per cent of the interim moneys of the board, available for 5004

investment at any one time, in either of the following: 5005

(1) Commercial paper notes issued by any entity that is 5006
defined in division (D) of section 1705.01 or division (E) of 5007
section 1706.01 of the Revised Code and has assets exceeding 5008
five hundred million dollars, and to which notes all of the 5009
following apply: 5010

(a) The notes are rated at the time of purchase in the 5011
highest classification established by at least two nationally 5012
recognized standard rating services. 5013

(b) The aggregate value of the notes does not exceed ten 5014
per cent of the aggregate value of the outstanding commercial 5015
paper of the issuing corporation. 5016

(c) The notes mature no later than two hundred seventy 5017
days after purchase. 5018

(d) The investment in commercial paper notes of a single 5019
issuer shall not exceed in the aggregate five per cent of 5020
interim moneys of the board available for investment at the time 5021
of purchase. 5022

(2) Bankers' acceptances of banks that are insured by the 5023
federal deposit insurance corporation and that mature no later 5024
than one hundred eighty days after purchase. 5025

(B) No investment authorized pursuant to division (A) of 5026
this section shall be made, whether or not authorized by a board 5027
of education, unless the treasurer of the board of education has 5028
completed additional training for making the types of 5029
investments authorized pursuant to division (A) of this section. 5030
The type and amount of such training shall be approved and may 5031
be conducted by or provided under the supervision of the 5032
treasurer of state. 5033

(C) The treasurer of the board of education shall prepare 5034
annually and submit to the board of education, the 5035
~~superintendent of public instruction~~director of education and 5036
workforce, and the auditor of state, on or before the thirty- 5037
first day of August, a report listing each investment made 5038
pursuant to division (A) of this section during the preceding 5039
fiscal year, income earned from such investments, fees and 5040
commissions paid pursuant to division (D) of this section, and 5041
any other information required by the board, the 5042
~~superintendent~~director, and the auditor of state. 5043

(D) A board of education may make appropriations and 5044
expenditures for fees and commissions in connection with 5045
investments made pursuant to division (A) of this section. 5046

(E) (1) In addition to the investments authorized by 5047
section 135.14 of the Revised Code and division (A) of this 5048
section, any board of education that is a party to an agreement 5049
with the treasurer of state pursuant to division (G) of section 5050
135.143 of the Revised Code and that has outstanding obligations 5051
issued under authority of section 133.10 of the Revised Code may 5052
authorize the treasurer of the board of education to invest 5053
interim moneys of the board in debt interests rated in either of 5054
the two highest rating classifications by at least two 5055
nationally recognized standard rating services and issued by 5056
entities that are defined in division (D) of section 1705.01 or 5057
division (E) of section 1706.01 of the Revised Code. The debt 5058
interests purchased under authority of division (E) of this 5059
section shall mature not later than the latest maturity date of 5060
the outstanding obligations issued under authority of section 5061
133.10 or 133.301 of the Revised Code. 5062

(2) If any of the debt interests acquired under division 5063

(E) (1) of this section ceases to be rated as there required, its issuer shall notify the treasurer of state of this fact within twenty-four hours. At any time thereafter the treasurer of state may require collateralization at the rate of one hundred two per cent of any remaining obligation of the entity, with securities authorized for investment under section 135.143 of the Revised Code. The collateral shall be delivered to and held by a custodian acceptable to the treasurer of state, marked to market daily, and any default to be cured within twelve hours. Unlimited substitution shall be allowed of comparable securities.

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

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

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

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

(D) Establish and maintain a records management training program, and provide a basic consulting service, for personnel

involved in record-making and record-keeping functions of 5093
departments, offices, and institutions; 5094

(E) Provide for the disposition of any remaining records 5095
of any state agency, board, or commission, whether in the 5096
executive, judicial, or legislative branch of government, that 5097
has terminated its operations. After the closing of the Ohio 5098
veterans' children's home, the resident records of the home and 5099
the resident records of the home when it was known as the 5100
soldiers' and sailors' orphans' home required to be maintained 5101
by approved records retention schedules shall be administered by 5102
the state department of education and workforce pursuant to this 5103
chapter, the administrative records of the home required to be 5104
maintained by approved records retention schedules shall be 5105
administered by the department of administrative services 5106
pursuant to this chapter, and historical records of the home 5107
shall be transferred to an appropriate archival institution in 5108
this state prescribed by the state records program. 5109

(F) Establish a centralized program coordinating 5110
micrographics standards, training, and services for the benefit 5111
of all state agencies; 5112

(G) Establish and publish in accordance with the 5113
applicable law necessary procedures and rules for the retention 5114
and disposal of state records. 5115

This section does not apply to the records of state- 5116
supported institutions of higher education, which shall keep 5117
their own records. 5118

Sec. 175.30. As used in sections 175.30 to 175.32 of the 5119
Revised Code: 5120

(A) "First home" or "home" means the first residential 5121

real property located in this state to be purchased by a 5122
recipient who has not owned or had an ownership interest in a 5123
principal residence in the three years prior to the purchase. 5124

(B) "Graduate" means an individual who has graduated from 5125
an institution of higher education and who is eligible under 5126
division (B) of section 175.31 of the Revised Code to apply for 5127
a grant, financial assistance, or down payment assistance 5128
awarded under the grants for grads program. 5129

(C) "Institution of higher education" means a state 5130
university or college located in this state, a private college 5131
or university located in this state that possesses a certificate 5132
of authorization issued by the ~~Ohio board of regents~~ chancellor 5133
of higher education under Chapter 1713. of the Revised Code, or 5134
an accredited college or university located outside this state 5135
that is accredited by an accrediting organization or 5136
professional accrediting association recognized by the ~~Ohio~~ 5137
~~board of regents~~ chancellor. 5138

(D) "Ohio resident" means any of the following: 5139

(1) An individual who was a resident of this state at the 5140
time of the individual's graduation from an Ohio public or 5141
nonpublic high school that is approved by the ~~state board~~ 5142
department of education and workforce, and who is a resident of 5143
this state at the time of applying for the program; 5144

(2) An individual who was a resident of this state at the 5145
time of completing, through the twelfth-grade level, a home 5146
study program approved by the ~~state board~~ department of 5147
education and workforce, and who is a resident of this state at 5148
the time of applying for the program; 5149

(3) An individual whose parent was a resident of this 5150

state at the time of the individual's graduation from high school, and who graduated from either of the following:

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

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

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

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

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

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

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

appointed. 5180

(3) Three nonvoting ex officio members, to serve until the 5181
ex officio member ceases to hold the applicable office: 5182

(a) The ~~superintendent of public instruction~~director of 5183
education and workforce; 5184

(b) The chancellor of higher education; 5185

(c) The director of veterans services. 5186

(4) Eight members shall be appointed by the governor with 5187
the advice and consent of the senate, to serve a term of three 5188
years, as follows: 5189

(a) At least three members shall be involved in Holocaust 5190
and genocide memorial and education or have a personal 5191
connection or experience with the Holocaust or genocide. 5192

(b) At least three members shall have expertise regarding 5193
the Holocaust and investigation, analysis, or research regarding 5194
genocide. 5195

(B) Vacancies shall be filled in the manner provided under 5196
division (A) of this section. Any member appointed to fill a 5197
vacancy occurring prior to the expiration of the term for which 5198
the member's predecessor was appointed shall hold office for the 5199
remainder of that term. Any appointed member shall continue in 5200
office subsequent to the expiration of that member's term until 5201
the member's successor takes office or until a period of sixty 5202
days has elapsed, whichever occurs first. 5203

Sec. 319.301. (A) The reductions required by division (D) 5204
of this section do not apply to any of the following: 5205

(1) Taxes levied at whatever rate is required to produce a 5206

specified amount of tax money, including a tax levied under	5207
section 5705.199 or 5748.09 of the Revised Code, or an amount to	5208
pay debt charges;	5209
(2) Taxes levied within the one per cent limitation	5210
imposed by Section 2 of Article XII, Ohio Constitution;	5211
(3) Taxes provided for by the charter of a municipal	5212
corporation.	5213
(B) As used in this section:	5214
(1) "Real property" includes real property owned by a	5215
railroad.	5216
(2) "Carryover property" means all real property on the	5217
current year's tax list except:	5218
(a) Land and improvements that were not taxed by the	5219
district in both the preceding year and the current year;	5220
(b) Land and improvements that were not in the same class	5221
in both the preceding year and the current year.	5222
(3) "Effective tax rate" means with respect to each class	5223
of property:	5224
(a) The sum of the total taxes that would have been	5225
charged and payable for current expenses against real property	5226
in that class if each of the district's taxes were reduced for	5227
the current year under division (D) (1) of this section without	5228
regard to the application of division (E) (3) of this section	5229
divided by	5230
(b) The taxable value of all real property in that class.	5231
(4) "Taxes charged and payable" means the taxes charged	5232
and payable prior to any reduction required by section 319.302	5233

of the Revised Code. 5234

(C) The tax commissioner shall make the determinations 5235
required by this section each year, without regard to whether a 5236
taxing district has territory in a county to which section 5237
5715.24 of the Revised Code applies for that year. Separate 5238
determinations shall be made for each of the two classes 5239
established pursuant to section 5713.041 of the Revised Code. 5240

(D) With respect to each tax authorized to be levied by 5241
each taxing district, the tax commissioner, annually, shall do 5242
both of the following: 5243

(1) Determine by what percentage, if any, the sums levied 5244
by such tax against the carryover property in each class would 5245
have to be reduced for the tax to levy the same number of 5246
dollars against such property in that class in the current year 5247
as were charged against such property by such tax in the 5248
preceding year subsequent to the reduction made under this 5249
section but before the reduction made under section 319.302 of 5250
the Revised Code. In the case of a tax levied for the first time 5251
that is not a renewal of an existing tax, the commissioner shall 5252
determine by what percentage the sums that would otherwise be 5253
levied by such tax against carryover property in each class 5254
would have to be reduced to equal the amount that would have 5255
been levied if the full rate thereof had been imposed against 5256
the total taxable value of such property in the preceding tax 5257
year. A tax or portion of a tax that is designated a replacement 5258
levy under section 5705.192 of the Revised Code is not a renewal 5259
of an existing tax for purposes of this division. 5260

(2) Certify each percentage determined in division (D) (1) 5261
of this section, as adjusted under division (E) of this section, 5262
and the class of property to which that percentage applies to 5263

the auditor of each county in which the district has territory. 5264
The auditor, after complying with section 319.30 of the Revised 5265
Code, shall reduce the sum to be levied by such tax against each 5266
parcel of real property in the district by the percentage so 5267
certified for its class. Certification shall be made by the 5268
first day of September except in the case of a tax levied for 5269
the first time, in which case certification shall be made within 5270
fifteen days of the date the county auditor submits the 5271
information necessary to make the required determination. 5272

(E) (1) As used in division (E) (2) of this section, "pre- 5273
1982 joint vocational taxes" means, with respect to a class of 5274
property, the difference between the following amounts: 5275

(a) The taxes charged and payable in tax year 1981 against 5276
the property in that class for the current expenses of the joint 5277
vocational school district of which the school district is a 5278
part after making all reductions under this section; 5279

(b) Two-tenths of one per cent of the taxable value of all 5280
real property in that class. 5281

If the amount in division (E) (1) (b) of this section 5282
exceeds the amount in division (E) (1) (a) of this section, the 5283
pre-1982 joint vocational taxes shall be zero. 5284

As used in divisions (E) (2) and (3) of this section, 5285
"taxes charged and payable" has the same meaning as in division 5286
(B) (4) of this section and excludes any tax charged and payable 5287
in 1985 or thereafter under sections 5705.194 to 5705.197 or 5288
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 5289
Code. 5290

(2) If in the case of a school district other than a joint 5291
vocational or cooperative education school district any 5292

percentage required to be used in division (D) (2) of this 5293
section for either class of property could cause the total taxes 5294
charged and payable for current expenses to be less than two per 5295
cent of the taxable value of all real property in that class 5296
that is subject to taxation by the district, the commissioner 5297
shall determine what percentages would cause the district's 5298
total taxes charged and payable for current expenses against 5299
that class, after all reductions that would otherwise be made 5300
under this section, to equal, when combined with the pre-1982 5301
joint vocational taxes against that class, the lesser of the 5302
following: 5303

(a) The sum of the rates at which those taxes are 5304
authorized to be levied; 5305

(b) Two per cent of the taxable value of the property in 5306
that class. The auditor shall use such percentages in making the 5307
reduction required by this section for that class. 5308

(3) If in the case of a joint vocational school district 5309
any percentage required to be used in division (D) (2) of this 5310
section for either class of property could cause the total taxes 5311
charged and payable for current expenses for that class to be 5312
less than two-tenths of one per cent of the taxable value of 5313
that class, the commissioner shall determine what percentages 5314
would cause the district's total taxes charged and payable for 5315
current expenses for that class, after all reductions that would 5316
otherwise be made under this section, to equal that amount. The 5317
auditor shall use such percentages in making the reductions 5318
required by this section for that class. 5319

(F) No reduction shall be made under this section in the 5320
rate at which any tax is levied. 5321

(G) The commissioner may order a county auditor to furnish 5322
any information the commissioner needs to make the 5323
determinations required under division (D) or (E) of this 5324
section, and the auditor shall supply the information in the 5325
form and by the date specified in the order. If the auditor 5326
fails to comply with an order issued under this division, except 5327
for good cause as determined by the commissioner, the 5328
commissioner shall withhold from such county or taxing district 5329
therein fifty per cent of state revenues to local governments 5330
pursuant to section 5747.50 of the Revised Code or shall direct 5331
the department of education and workforce to withhold therefrom 5332
fifty per cent of state revenues to school districts pursuant to 5333
Chapter 3317. of the Revised Code. The commissioner shall 5334
withhold the distribution of such revenues until the county 5335
auditor has complied with this division, and the department 5336
shall withhold the distribution of such revenues until the 5337
commissioner has notified the department that the county auditor 5338
has complied with this division. 5339

(H) If the commissioner is unable to certify a tax 5340
reduction factor for either class of property in a taxing 5341
district located in more than one county by the last day of 5342
November because information required under division (G) of this 5343
section is unavailable, the commissioner may compute and certify 5344
an estimated tax reduction factor for that district for that 5345
class. The estimated factor shall be based upon an estimate of 5346
the unavailable information. Upon receipt of the actual 5347
information for a taxing district that received an estimated tax 5348
reduction factor, the commissioner shall compute the actual tax 5349
reduction factor and use that factor to compute the taxes that 5350
should have been charged and payable against each parcel of 5351
property for the year for which the estimated reduction factor 5352

was used. The amount by which the estimated factor resulted in 5353
an overpayment or underpayment in taxes on any parcel shall be 5354
added to or subtracted from the amount due on that parcel in the 5355
ensuing tax year. 5356

A percentage or a tax reduction factor determined or 5357
computed by the commissioner under this section shall be used 5358
solely for the purpose of reducing the sums to be levied by the 5359
tax to which it applies for the year for which it was determined 5360
or computed. It shall not be used in making any tax computations 5361
for any ensuing tax year. 5362

(I) In making the determinations under division (D) (1) of 5363
this section, the tax commissioner shall take account of changes 5364
in the taxable value of carryover property resulting from 5365
complaints filed under section 5715.19 of the Revised Code for 5366
determinations made for the tax year in which such changes are 5367
reported to the commissioner. Such changes shall be reported to 5368
the commissioner on the first abstract of real property filed 5369
with the commissioner under section 5715.23 of the Revised Code 5370
following the date on which the complaint is finally determined 5371
by the board of revision or by a court or other authority with 5372
jurisdiction on appeal. The tax commissioner shall account for 5373
such changes in making the determinations only for the tax year 5374
in which the change in valuation is reported. Such a valuation 5375
change shall not be used to recompute the percentages determined 5376
under division (D) (1) of this section for any prior tax year. 5377

Sec. 901.71. (A) There is hereby created the advisory 5378
committee on livestock exhibitions consisting of not more than 5379
twenty-one members, as follows: 5380

(1) The director of agriculture, or the director's 5381
designee; 5382

- (2) The state veterinarian, or the state veterinarian's
designee; 5383
5384
- (3) A representative of the Ohio cattlemen's association, 5385
the Ohio purebred dairy cattle association, the Ohio pork 5386
producers council, the Ohio poultry association, the Ohio sheep 5387
improvement association, the Ohio fair managers association, the 5388
Ohio farm bureau federation, the Ohio farmers union, the Ohio 5389
department of ~~education's~~ education and workforce's agricultural 5390
education service, the Ohio state university extension, the 5391
national farmers organization, and the Ohio state grange, or 5392
their designees. Each of these members shall be chosen by the 5393
organization the member represents. 5394
- (4) The chairperson of the Ohio expositions commission, or 5395
the chairperson's designee; 5396
- (5) Three persons who shall be appointed by the director, 5397
each of whom shall serve as a member of a board of directors of 5398
a county or independent agricultural society organized under 5399
section 1711.01 or 1711.02 of the Revised Code. Of the initial 5400
appointments made by the director, one shall be for a term 5401
ending on December 31, 1996; one shall be for a term ending on 5402
December 31, 1997; and one shall be for a term ending on 5403
December 31, 1998. 5404
- (6) Not more than three additional members appointed at 5405
the option of the director. If the director appoints one or more 5406
additional members, the first additional appointment shall be 5407
for a term ending on December 31, 1996, the second additional 5408
appointment shall be for a term ending on December 31, 1997, and 5409
the third additional appointment shall be for a term ending on 5410
December 31, 1998. 5411

Following the completion of the initial terms of the 5412
appointments made by the director, each term of office shall be 5413
three years, commencing on the first day of January and ending 5414
on the thirty-first day of December. A member appointed by the 5415
director shall hold office from the date of the member's 5416
appointment until the end of the term for which the member was 5417
appointed. Vacancies shall be filled in the same manner as the 5418
original appointment. Any member appointed to fill a vacancy 5419
occurring prior to the expiration of the term for which the 5420
member's predecessor was appointed shall hold office for the 5421
remainder of the unexpired term. Any member shall continue in 5422
office subsequent to the expiration date of the member's term 5423
until the member's successor takes office or until a period of 5424
ninety days has elapsed, whichever occurs first. 5425

Members may be removed from the committee only for 5426
misfeasance, malfeasance, or nonfeasance. A vacancy on the 5427
committee shall not impair the right of the other members to 5428
exercise all of the functions of the committee. A simple 5429
majority constitutes a quorum for the conduct of business of the 5430
committee. On request, each member shall be reimbursed for the 5431
actual and necessary expenses incurred in the discharge of the 5432
member's duties as a committee member. 5433

(B) The committee shall be considered a part of the 5434
department of agriculture for the administrative purposes 5435
required by this section, including the payment of expenses 5436
authorized to each member of the committee under this section. 5437
The director or the director's designee shall serve as 5438
chairperson of the committee. The director shall designate an 5439
employee or official of the department to act as the secretary 5440
of the committee. The secretary shall keep the minutes of the 5441
committee's meetings and a permanent journal of all meetings, 5442

proceedings, findings, determinations, and recommendations of 5443
the committee, including an itemized statement of the expenses 5444
allowed to each member of the committee under this section. The 5445
committee may request from the director, and the director shall 5446
provide, meeting space, assistance, services, and information to 5447
enable the committee to carry out its duties. 5448

(C) The committee shall meet at least once annually after 5449
the fifteenth day of October and before the first day of 5450
December. The committee may meet at other times as the 5451
chairperson or a majority of the committee members considers 5452
appropriate, provided the chairperson gives members written 5453
notice of any meeting at least seven days prior to the meeting. 5454

(D) The committee may propose rules and may advise and 5455
counsel the director on all matters relating to the 5456
administration of exhibitions and any other matters that the 5457
committee and the director consider appropriate in carrying out 5458
sections 901.71 to 901.76 of the Revised Code. 5459

Sec. 921.06. (A) (1) No individual shall do any of the 5460
following without having a commercial applicator license issued 5461
by the director of agriculture: 5462

(a) Apply pesticides for a pesticide business without 5463
direct supervision; 5464

(b) Apply pesticides as part of the individual's duties 5465
while acting as an employee of the United States government, a 5466
state, county, township, or municipal corporation, or a park 5467
district, port authority, or sanitary district created under 5468
Chapter 1545., 4582., or 6115. of the Revised Code, 5469
respectively; 5470

(c) Apply restricted use pesticides. Division (A) (1) (c) of 5471

this section does not apply to a private applicator or an 5472
immediate family member or a subordinate employee of a private 5473
applicator who is acting under the direct supervision of that 5474
private applicator. 5475

(d) If the individual is the owner of a business other 5476
than a pesticide business or an employee of such an owner, apply 5477
pesticides at any of the following publicly accessible sites 5478
that are located on the property: 5479

(i) Food service operations that are licensed under 5480
Chapter 3717. of the Revised Code; 5481

(ii) Retail food establishments that are licensed under 5482
Chapter 3717. of the Revised Code; 5483

(iii) Golf courses; 5484

(iv) Rental properties of more than four apartment units 5485
at one location; 5486

(v) Hospitals or medical facilities as defined in section 5487
3701.01 of the Revised Code; 5488

(vi) Child day-care centers or school child day-care 5489
centers as defined in section 5104.01 of the Revised Code; 5490

(vii) Facilities owned or operated by a school district 5491
established under Chapter 3311. of the Revised Code, including 5492
an educational service center, a community school established 5493
under Chapter 3314. of the Revised Code, or a chartered or 5494
nonchartered nonpublic school that meets minimum standards 5495
established by the ~~state board~~ director of education and 5496
workforce; 5497

(viii) State institutions of higher education as defined 5498
in section 3345.011 of the Revised Code, nonprofit institutions 5499

holding a certificate of authorization pursuant to Chapter 1713. 5500
of the Revised Code, institutions holding a certificate of 5501
registration from the state board of career colleges and schools 5502
and program authorization for an associate or bachelor's degree 5503
program issued under section 3332.05 of the Revised Code, and 5504
private institutions exempt from regulation under Chapter 3332. 5505
of the Revised Code as prescribed in section 3333.046 of the 5506
Revised Code; 5507

(ix) Food processing establishments as defined in section 5508
3715.021 of the Revised Code; 5509

(x) Any other site designated by rule. 5510

(e) Conduct authorized diagnostic inspections. 5511

(2) Divisions (A) (1) (a) to (d) of this section do not 5512
apply to an individual who is acting as a trained serviceperson 5513
under the direct supervision of a commercial applicator. 5514

(3) Licenses shall be issued for a period of time 5515
established by rule and shall be renewed in accordance with 5516
deadlines established by rule. The fee for each such license 5517
shall be established by rule. If a license is not issued or 5518
renewed, the application fee shall be retained by the state as 5519
payment for the reasonable expense of processing the 5520
application. The director shall by rule classify by pesticide- 5521
use category licenses to be issued under this section. A single 5522
license may include more than one pesticide-use category. No 5523
individual shall be required to pay an additional license fee if 5524
the individual is licensed for more than one category. 5525

The fee for each license or renewal does not apply to an 5526
applicant who is an employee of the department of agriculture 5527
whose job duties require licensure as a commercial applicator as 5528

a condition of employment. 5529

(B) Application for a commercial applicator license shall 5530
be made on a form prescribed by the director. Each application 5531
for a license shall state the pesticide-use category or 5532
categories of license for which the applicant is applying and 5533
other information that the director determines essential to the 5534
administration of this chapter. 5535

(C) If the director finds that the applicant is competent 5536
to apply pesticides and conduct diagnostic inspections and that 5537
the applicant has passed both the general examination and each 5538
applicable pesticide-use category examination as required under 5539
division (A) of section 921.12 of the Revised Code, the director 5540
shall issue a commercial applicator license limited to the 5541
pesticide-use category or categories for which the applicant is 5542
found to be competent. If the director rejects an application, 5543
the director may explain why the application was rejected, 5544
describe the additional requirements necessary for the applicant 5545
to obtain a license, and return the application. The applicant 5546
may resubmit the application without payment of any additional 5547
fee. 5548

(D) (1) A person who is a commercial applicator shall be 5549
deemed to hold a private applicator's license for purposes of 5550
applying pesticides on agricultural commodities that are 5551
produced by the commercial applicator. 5552

(2) A commercial applicator shall apply pesticides only in 5553
the pesticide-use category or categories in which the applicator 5554
is licensed under this chapter. 5555

(E) All money collected under this section shall be 5556
credited to the pesticide, fertilizer, and lime program fund 5557

created in section 921.22 of the Revised Code. 5558

Sec. 2151.011. (A) As used in the Revised Code: 5559

(1) "Juvenile court" means whichever of the following is 5560
applicable that has jurisdiction under this chapter and Chapter 5561
2152. of the Revised Code: 5562

(a) The division of the court of common pleas specified in 5563
section 2101.022 or 2301.03 of the Revised Code as having 5564
jurisdiction under this chapter and Chapter 2152. of the Revised 5565
Code or as being the juvenile division or the juvenile division 5566
combined with one or more other divisions; 5567

(b) The juvenile court of Cuyahoga county or Hamilton 5568
county that is separately and independently created by section 5569
2151.08 or Chapter 2153. of the Revised Code and that has 5570
jurisdiction under this chapter and Chapter 2152. of the Revised 5571
Code; 5572

(c) If division (A) (1) (a) or (b) of this section does not 5573
apply, the probate division of the court of common pleas. 5574

(2) "Juvenile judge" means a judge of a court having 5575
jurisdiction under this chapter. 5576

(3) "Private child placing agency" means any association, 5577
as defined in section 5103.02 of the Revised Code, that is 5578
certified under section 5103.03 of the Revised Code to accept 5579
temporary, permanent, or legal custody of children and place the 5580
children for either foster care or adoption. 5581

(4) "Private noncustodial agency" means any person, 5582
organization, association, or society certified by the 5583
department of job and family services that does not accept 5584
temporary or permanent legal custody of children, that is 5585

privately operated in this state, and that does one or more of 5586
the following: 5587

(a) Receives and cares for children for two or more 5588
consecutive weeks; 5589

(b) Participates in the placement of children in certified 5590
foster homes; 5591

(c) Provides adoption services in conjunction with a 5592
public children services agency or private child placing agency. 5593

(B) As used in this chapter: 5594

(1) "Adequate parental care" means the provision by a 5595
child's parent or parents, guardian, or custodian of adequate 5596
food, clothing, and shelter to ensure the child's health and 5597
physical safety and the provision by a child's parent or parents 5598
of specialized services warranted by the child's physical or 5599
mental needs. 5600

(2) "Adult" means an individual who is eighteen years of 5601
age or older. 5602

(3) "Agreement for temporary custody" means a voluntary 5603
agreement authorized by section 5103.15 of the Revised Code that 5604
transfers the temporary custody of a child to a public children 5605
services agency or a private child placing agency. 5606

(4) "Alternative response" means the public children 5607
services agency's response to a report of child abuse or neglect 5608
that engages the family in a comprehensive evaluation of child 5609
safety, risk of subsequent harm, and family strengths and needs 5610
and that does not include a determination as to whether child 5611
abuse or neglect occurred. 5612

(5) "Certified foster home" means a foster home, as 5613

defined in section 5103.02 of the Revised Code, certified under 5614
section 5103.03 of the Revised Code. 5615

(6) "Child" means a person who is under eighteen years of 5616
age, except that the juvenile court has jurisdiction over any 5617
person who is adjudicated an unruly child prior to attaining 5618
eighteen years of age until the person attains twenty-one years 5619
of age, and, for purposes of that jurisdiction related to that 5620
adjudication, a person who is so adjudicated an unruly child 5621
shall be deemed a "child" until the person attains twenty-one 5622
years of age. 5623

(7) "Child day camp," "child care," "child day-care 5624
center," "part-time child day-care center," "type A family day- 5625
care home," "licensed type B family day-care home," "type B 5626
family day-care home," "administrator of a child day-care 5627
center," "administrator of a type A family day-care home," and 5628
"in-home aide" have the same meanings as in section 5104.01 of 5629
the Revised Code. 5630

(8) "Child care provider" means an individual who is a 5631
child-care staff member or administrator of a child day-care 5632
center, a type A family day-care home, or a type B family day- 5633
care home, or an in-home aide or an individual who is licensed, 5634
is regulated, is approved, operates under the direction of, or 5635
otherwise is certified by the department of job and family 5636
services, department of developmental disabilities, or the early 5637
childhood programs of the department of education and workforce. 5638

(9) "Commit" means to vest custody as ordered by the 5639
court. 5640

(10) "Counseling" includes both of the following: 5641

(a) General counseling services performed by a public 5642

children services agency or shelter for victims of domestic 5643
violence to assist a child, a child's parents, and a child's 5644
siblings in alleviating identified problems that may cause or 5645
have caused the child to be an abused, neglected, or dependent 5646
child. 5647

(b) Psychiatric or psychological therapeutic counseling 5648
services provided to correct or alleviate any mental or 5649
emotional illness or disorder and performed by a licensed 5650
psychiatrist, licensed psychologist, or a person licensed under 5651
Chapter 4757. of the Revised Code to engage in social work or 5652
professional counseling. 5653

(11) "Custodian" means a person who has legal custody of a 5654
child or a public children services agency or private child 5655
placing agency that has permanent, temporary, or legal custody 5656
of a child. 5657

(12) "Delinquent child" has the same meaning as in section 5658
2152.02 of the Revised Code. 5659

(13) "Detention" means the temporary care of children 5660
pending court adjudication or disposition, or execution of a 5661
court order, in a public or private facility designed to 5662
physically restrict the movement and activities of children. 5663

(14) "Developmental disability" has the same meaning as in 5664
section 5123.01 of the Revised Code. 5665

(15) "Differential response approach" means an approach 5666
that a public children services agency may use to respond to 5667
accepted reports of child abuse or neglect with either an 5668
alternative response or a traditional response. 5669

(16) "Foster caregiver" has the same meaning as in section 5670
5103.02 of the Revised Code. 5671

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

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

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

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

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

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

(a) The fact that the child in question has enrolled in

and is attending another public or nonpublic school in this or 5701
another state; 5702

(b) The fact that the child in question is excused from 5703
attendance at school for any of the reasons specified in section 5704
3321.04 or 3321.042 of the Revised Code; 5705

(c) The fact that the child in question has received an 5706
age and schooling certificate in accordance with section 3331.01 5707
of the Revised Code. 5708

(23) "Mental illness" has the same meaning as in section 5709
5122.01 of the Revised Code. 5710

(24) "Mental injury" means any behavioral, cognitive, 5711
emotional, or mental disorder in a child caused by an act or 5712
omission that is described in section 2919.22 of the Revised 5713
Code and is committed by the parent or other person responsible 5714
for the child's care. 5715

(25) "Nonsecure care, supervision, or training" means 5716
care, supervision, or training of a child in a facility that 5717
does not confine or prevent movement of the child within the 5718
facility or from the facility. 5719

(26) "Of compulsory school age" has the same meaning as in 5720
section 3321.01 of the Revised Code. 5721

(27) "Organization" means any institution, public, 5722
semipublic, or private, and any private association, society, or 5723
agency located or operating in the state, incorporated or 5724
unincorporated, having among its functions the furnishing of 5725
protective services or care for children, or the placement of 5726
children in certified foster homes or elsewhere. 5727

(28) "Out-of-home care" means detention facilities, 5728

shelter facilities, certified children's crisis care facilities, 5729
certified foster homes, placement in a prospective adoptive home 5730
prior to the issuance of a final decree of adoption, 5731
organizations, certified organizations, child day-care centers, 5732
type A family day-care homes, type B family day-care homes, 5733
child care provided by in-home aides, group home providers, 5734
group homes, institutions, state institutions, residential 5735
facilities, residential care facilities, residential camps, day 5736
camps, private, nonprofit therapeutic wilderness camps, public 5737
schools, chartered nonpublic schools, educational service 5738
centers, hospitals, and medical clinics that are responsible for 5739
the care, physical custody, or control of children. 5740

(29) "Out-of-home care child abuse" means any of the 5741
following when committed by a person responsible for the care of 5742
a child in out-of-home care: 5743

(a) Engaging in sexual activity with a child in the 5744
person's care; 5745

(b) Denial to a child, as a means of punishment, of proper 5746
or necessary subsistence, education, medical care, or other care 5747
necessary for a child's health; 5748

(c) Use of restraint procedures on a child that cause 5749
injury or pain; 5750

(d) Administration of prescription drugs or psychotropic 5751
medication to the child without the written approval and ongoing 5752
supervision of a licensed physician; 5753

(e) Commission of any act, other than by accidental means, 5754
that results in any injury to or death of the child in out-of- 5755
home care or commission of any act by accidental means that 5756
results in an injury to or death of a child in out-of-home care 5757

and that is at variance with the history given of the injury or 5758
death. 5759

(30) "Out-of-home care child neglect" means any of the 5760
following when committed by a person responsible for the care of 5761
a child in out-of-home care: 5762

(a) Failure to provide reasonable supervision according to 5763
the standards of care appropriate to the age, mental and 5764
physical condition, or other special needs of the child; 5765

(b) Failure to provide reasonable supervision according to 5766
the standards of care appropriate to the age, mental and 5767
physical condition, or other special needs of the child, that 5768
results in sexual or physical abuse of the child by any person; 5769

(c) Failure to develop a process for all of the following: 5770

(i) Administration of prescription drugs or psychotropic 5771
drugs for the child; 5772

(ii) Assuring that the instructions of the licensed 5773
physician who prescribed a drug for the child are followed; 5774

(iii) Reporting to the licensed physician who prescribed 5775
the drug all unfavorable or dangerous side effects from the use 5776
of the drug. 5777

(d) Failure to provide proper or necessary subsistence, 5778
education, medical care, or other individualized care necessary 5779
for the health or well-being of the child; 5780

(e) Confinement of the child to a locked room without 5781
monitoring by staff; 5782

(f) Failure to provide ongoing security for all 5783
prescription and nonprescription medication; 5784

(g) Isolation of a child for a period of time when there 5785
is substantial risk that the isolation, if continued, will 5786
impair or retard the mental health or physical well-being of the 5787
child. 5788

(31) "Permanent custody" means a legal status that vests 5789
in a public children services agency or a private child placing 5790
agency, all parental rights, duties, and obligations, including 5791
the right to consent to adoption, and divests the natural 5792
parents or adoptive parents of all parental rights, privileges, 5793
and obligations, including all residual rights and obligations. 5794

(32) "Permanent surrender" means the act of the parents 5795
or, if a child has only one parent, of the parent of a child, by 5796
a voluntary agreement authorized by section 5103.15 of the 5797
Revised Code, to transfer the permanent custody of the child to 5798
a public children services agency or a private child placing 5799
agency. 5800

(33) "Person" means an individual, association, 5801
corporation, or partnership and the state or any of its 5802
political subdivisions, departments, or agencies. 5803

(34) "Person responsible for a child's care in out-of-home 5804
care" means any of the following: 5805

(a) Any foster caregiver, in-home aide, or provider; 5806

(b) Any administrator, employee, or agent of any of the 5807
following: a public or private detention facility; shelter 5808
facility; certified children's crisis care facility; 5809
organization; certified organization; child day-care center; 5810
type A family day-care home; licensed type B family day-care 5811
home; group home; institution; state institution; residential 5812
facility; residential care facility; residential camp; day camp; 5813

school district; community school; chartered nonpublic school; 5814
educational service center; hospital; or medical clinic; 5815

(c) Any person who supervises or coaches children as part 5816
of an extracurricular activity sponsored by a school district, 5817
public school, or chartered nonpublic school; 5818

(d) Any other person who performs a similar function with 5819
respect to, or has a similar relationship to, children. 5820

(35) "Physical impairment" means having one or more of the 5821
following conditions that substantially limit one or more of an 5822
individual's major life activities, including self-care, 5823
receptive and expressive language, learning, mobility, and self- 5824
direction: 5825

(a) A substantial impairment of vision, speech, or 5826
hearing; 5827

(b) A congenital orthopedic impairment; 5828

(c) An orthopedic impairment caused by disease, rheumatic 5829
fever or any other similar chronic or acute health problem, or 5830
amputation or another similar cause. 5831

(36) "Placement for adoption" means the arrangement by a 5832
public children services agency or a private child placing 5833
agency with a person for the care and adoption by that person of 5834
a child of whom the agency has permanent custody. 5835

(37) "Placement in foster care" means the arrangement by a 5836
public children services agency or a private child placing 5837
agency for the out-of-home care of a child of whom the agency 5838
has temporary custody or permanent custody. 5839

(38) "Planned permanent living arrangement" means an order 5840
of a juvenile court pursuant to which both of the following 5841

apply:	5842
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	5843 5844 5845
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	5846 5847 5848 5849
(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	5850 5851 5852
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	5853 5854
(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.	5855 5856 5857 5858
(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.	5859 5860 5861 5862 5863 5864 5865 5866
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	5867 5868
(44) "Psychologist" has the same meaning as in section	5869

4732.01 of the Revised Code.	5870
(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	5871 5872
(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.	5873 5874
(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.	5875 5876 5877
(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.	5878 5879 5880 5881
(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.	5882 5883 5884 5885
(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.	5886 5887 5888 5889 5890 5891 5892
(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.	5893 5894 5895
(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.	5896 5897

(53) "Secure correctional facility" means a facility under 5898
the direction of the department of youth services that is 5899
designed to physically restrict the movement and activities of 5900
children and used for the placement of children after 5901
adjudication and disposition. 5902

(54) "Sexual activity" has the same meaning as in section 5903
2907.01 of the Revised Code. 5904

(55) "Shelter" means the temporary care of children in 5905
physically unrestricted facilities pending court adjudication or 5906
disposition. 5907

(56) "Shelter for victims of domestic violence" has the 5908
same meaning as in section 3113.33 of the Revised Code. 5909

(57) "Temporary custody" means legal custody of a child 5910
who is removed from the child's home, which custody may be 5911
terminated at any time at the discretion of the court or, if the 5912
legal custody is granted in an agreement for temporary custody, 5913
by the person who executed the agreement. 5914

(58) "Traditional response" means a public children 5915
services agency's response to a report of child abuse or neglect 5916
that encourages engagement of the family in a comprehensive 5917
evaluation of the child's current and future safety needs and a 5918
fact-finding process to determine whether child abuse or neglect 5919
occurred and the circumstances surrounding the alleged harm or 5920
risk of harm. 5921

(C) For the purposes of this chapter, a child shall be 5922
presumed abandoned when the parents of the child have failed to 5923
visit or maintain contact with the child for more than ninety 5924
days, regardless of whether the parents resume contact with the 5925
child after that period of ninety days. 5926

Sec. 2151.353. (A) If a child is adjudicated an abused,	5927
neglected, or dependent child, the court may make any of the	5928
following orders of disposition:	5929
(1) Place the child in protective supervision;	5930
(2) Commit the child to the temporary custody of any of	5931
the following:	5932
(a) A public children services agency;	5933
(b) A private child placing agency;	5934
(c) Either parent;	5935
(d) A relative residing within or outside the state;	5936
(e) A probation officer for placement in a certified	5937
foster home;	5938
(f) Any other person approved by the court.	5939
(3) Award legal custody of the child to either parent or	5940
to any other person who, prior to the dispositional hearing,	5941
files a motion requesting legal custody of the child or is	5942
identified as a proposed legal custodian in a complaint or	5943
motion filed prior to the dispositional hearing by any party to	5944
the proceedings. A person identified in a complaint or motion	5945
filed by a party to the proceedings as a proposed legal	5946
custodian shall be awarded legal custody of the child only if	5947
the person identified signs a statement of understanding for	5948
legal custody that contains at least the following provisions:	5949
(a) That it is the intent of the person to become the	5950
legal custodian of the child and the person is able to assume	5951
legal responsibility for the care and supervision of the child;	5952
(b) That the person understands that legal custody of the	5953

child in question is intended to be permanent in nature and that 5954
the person will be responsible as the custodian for the child 5955
until the child reaches the age of majority. Responsibility as 5956
custodian for the child shall continue beyond the age of 5957
majority if, at the time the child reaches the age of majority, 5958
the child is pursuing a diploma granted by the board of 5959
education or other governing authority, successful completion of 5960
the curriculum of any high school, successful completion of an 5961
individualized education program developed for the student by 5962
any high school, or an age and schooling certificate. 5963
Responsibility beyond the age of majority shall terminate when 5964
the child ceases to continuously pursue such an education, 5965
completes such an education, or is excused from such an 5966
education under standards adopted by the ~~state board~~ department 5967
of education and workforce, whichever occurs first. 5968

(c) That the parents of the child have residual parental 5969
rights, privileges, and responsibilities, including, but not 5970
limited to, the privilege of reasonable visitation, consent to 5971
adoption, the privilege to determine the child's religious 5972
affiliation, and the responsibility for support; 5973

(d) That the person understands that the person must be 5974
present in court for the dispositional hearing in order to 5975
affirm the person's intention to become legal custodian, to 5976
affirm that the person understands the effect of the 5977
custodianship before the court, and to answer any questions that 5978
the court or any parties to the case may have. 5979

(4) Commit the child to the permanent custody of a public 5980
children services agency or private child placing agency, if the 5981
court determines in accordance with division (E) of section 5982
2151.414 of the Revised Code that the child cannot be placed 5983

with one of the child's parents within a reasonable time or 5984
should not be placed with either parent and determines in 5985
accordance with division (D) (1) of section 2151.414 of the 5986
Revised Code that the permanent commitment is in the best 5987
interest of the child. If the court grants permanent custody 5988
under this division, the court, upon the request of any party, 5989
shall file a written opinion setting forth its findings of fact 5990
and conclusions of law in relation to the proceeding. 5991

(5) Place the child in a planned permanent living 5992
arrangement with a public children services agency or private 5993
child placing agency, if a public children services agency or 5994
private child placing agency requests the court to place the 5995
child in a planned permanent living arrangement and if the court 5996
finds, by clear and convincing evidence, that a planned 5997
permanent living arrangement is in the best interest of the 5998
child, that the child is sixteen years of age or older, and that 5999
one of the following exists: 6000

(a) The child, because of physical, mental, or 6001
psychological problems or needs, is unable to function in a 6002
family-like setting and must remain in residential or 6003
institutional care now and for the foreseeable future beyond the 6004
date of the dispositional hearing held pursuant to section 6005
2151.35 of the Revised Code. 6006

(b) The parents of the child have significant physical, 6007
mental, or psychological problems and are unable to care for the 6008
child because of those problems, adoption is not in the best 6009
interest of the child, as determined in accordance with division 6010
(D) (1) of section 2151.414 of the Revised Code, and the child 6011
retains a significant and positive relationship with a parent or 6012
relative. 6013

(c) The child has been counseled on the permanent 6014
placement options available to the child, and is unwilling to 6015
accept or unable to adapt to a permanent placement. 6016

(6) Order the removal from the child's home until further 6017
order of the court of the person who committed abuse as 6018
described in section 2151.031 of the Revised Code against the 6019
child, who caused or allowed the child to suffer neglect as 6020
described in section 2151.03 of the Revised Code, or who is the 6021
parent, guardian, or custodian of a child who is adjudicated a 6022
dependent child and order any person not to have contact with 6023
the child or the child's siblings. 6024

(B) (1) When making a determination on whether to place a 6025
child in a planned permanent living arrangement pursuant to 6026
division (A) (5) (b) or (c) of this section, the court shall 6027
consider all relevant information that has been presented to the 6028
court, including information gathered from the child, the 6029
child's guardian ad litem, and the public children services 6030
agency or private child placing agency. 6031

(2) A child who is placed in a planned permanent living 6032
arrangement pursuant to division (A) (5) (b) or (c) of this 6033
section shall be placed in an independent living setting or in a 6034
family setting in which the caregiver has been provided by the 6035
agency that has custody of the child with a notice that 6036
addresses the following: 6037

(a) The caregiver understands that the planned permanent 6038
living arrangement is intended to be permanent in nature and 6039
that the caregiver will provide a stable placement for the child 6040
through the child's emancipation or until the court releases the 6041
child from the custody of the agency, whichever occurs first. 6042

(b) The caregiver is expected to actively participate in 6043
the youth's independent living case plan, attend agency team 6044
meetings and court hearings as appropriate, complete training, 6045
as developed and implemented under section 5103.035 of the 6046
Revised Code, related to providing the child independent living 6047
services, and assist in the child's transition into adulthood. 6048

(3) The department of job and family services shall 6049
develop a model notice to be provided by an agency that has 6050
custody of a child to a caregiver under division (B)(2) of this 6051
section. The agency may modify the model notice to apply to the 6052
needs of the agency. 6053

(C) No order for permanent custody or temporary custody of 6054
a child or the placement of a child in a planned permanent 6055
living arrangement shall be made pursuant to this section unless 6056
the complaint alleging the abuse, neglect, or dependency 6057
contains a prayer requesting permanent custody, temporary 6058
custody, or the placement of the child in a planned permanent 6059
living arrangement as desired, the summons served on the parents 6060
of the child contains as is appropriate a full explanation that 6061
the granting of an order for permanent custody permanently 6062
divests them of their parental rights, a full explanation that 6063
an adjudication that the child is an abused, neglected, or 6064
dependent child may result in an order of temporary custody that 6065
will cause the removal of the child from their legal custody 6066
until the court terminates the order of temporary custody or 6067
permanently divests the parents of their parental rights, or a 6068
full explanation that the granting of an order for a planned 6069
permanent living arrangement will result in the removal of the 6070
child from their legal custody if any of the conditions listed 6071
in divisions (A)(5)(a) to (c) of this section are found to 6072
exist, and the summons served on the parents contains a full 6073

explanation of their right to be represented by counsel and to 6074
have counsel appointed pursuant to Chapter 120. of the Revised 6075
Code if they are indigent. 6076

If after making disposition as authorized by division (A) 6077
(2) of this section, a motion is filed that requests permanent 6078
custody of the child, the court may grant permanent custody of 6079
the child to the movant in accordance with section 2151.414 of 6080
the Revised Code. 6081

(D) If the court issues an order for protective 6082
supervision pursuant to division (A)(1) of this section, the 6083
court may place any reasonable restrictions upon the child, the 6084
child's parents, guardian, or custodian, or any other person, 6085
including, but not limited to, any of the following: 6086

(1) Order a party, within forty-eight hours after the 6087
issuance of the order, to vacate the child's home indefinitely 6088
or for a specified period of time; 6089

(2) Order a party, a parent of the child, or a physical 6090
custodian of the child to prevent any particular person from 6091
having contact with the child; 6092

(3) Issue an order restraining or otherwise controlling 6093
the conduct of any person which conduct would not be in the best 6094
interest of the child. 6095

(E) As part of its dispositional order, the court shall 6096
journalize a case plan for the child. The journalized case plan 6097
shall not be changed except as provided in section 2151.412 of 6098
the Revised Code. 6099

(F) (1) The court shall retain jurisdiction over any child 6100
for whom the court issues an order of disposition pursuant to 6101
division (A) of this section or pursuant to section 2151.414 or 6102

2151.415 of the Revised Code until the child attains the age of 6103
eighteen years if the child does not have a developmental 6104
disability or physical impairment, the child attains the age of 6105
twenty-one years if the child has a developmental disability or 6106
physical impairment, or the child is adopted and a final decree 6107
of adoption is issued, except that the court may retain 6108
jurisdiction over the child and continue any order of 6109
disposition under division (A) of this section or under section 6110
2151.414 or 2151.415 of the Revised Code for a specified period 6111
of time to enable the child to graduate from high school or 6112
vocational school. The court shall make an entry continuing its 6113
jurisdiction under this division in the journal. 6114

(2) Any public children services agency, any private child 6115
placing agency, the department of job and family services, or 6116
any party, other than any parent whose parental rights with 6117
respect to the child have been terminated pursuant to an order 6118
issued under division (A) (4) of this section, by filing a motion 6119
with the court, may at any time request the court to modify or 6120
terminate any order of disposition issued pursuant to division 6121
(A) of this section or section 2151.414 or 2151.415 of the 6122
Revised Code. The court shall hold a hearing upon the motion as 6123
if the hearing were the original dispositional hearing and shall 6124
give all parties to the action and the guardian ad litem notice 6125
of the hearing pursuant to the Juvenile Rules. If applicable, 6126
the court shall comply with section 2151.42 of the Revised Code. 6127

(G) Any temporary custody order issued pursuant to 6128
division (A) of this section shall terminate one year after the 6129
earlier of the date on which the complaint in the case was filed 6130
or the child was first placed into shelter care, except that, 6131
upon the filing of a motion pursuant to section 2151.415 of the 6132
Revised Code, the temporary custody order shall continue and not 6133

terminate until the court issues a dispositional order under 6134
that section. In resolving the motion, the court shall not order 6135
an existing temporary custody order to continue beyond two years 6136
after the date on which the complaint was filed or the child was 6137
first placed into shelter care, whichever date is earlier, 6138
regardless of whether any extensions have been previously 6139
ordered pursuant to division (D) of section 2151.415 of the 6140
Revised Code. 6141

(H) (1) No later than one year after the earlier of the 6142
date the complaint in the case was filed or the child was first 6143
placed in shelter care, a party may ask the court to extend an 6144
order for protective supervision for six months or to terminate 6145
the order. A party requesting extension or termination of the 6146
order shall file a written request for the extension or 6147
termination with the court and give notice of the proposed 6148
extension or termination in writing before the end of the day 6149
after the day of filing it to all parties and the child's 6150
guardian ad litem. If a public children services agency or 6151
private child placing agency requests termination of the order, 6152
the agency shall file a written status report setting out the 6153
facts supporting termination of the order at the time it files 6154
the request with the court. If no party requests extension or 6155
termination of the order, the court shall notify the parties 6156
that the court will extend the order for six months or terminate 6157
it and that it may do so without a hearing unless one of the 6158
parties requests a hearing. All parties and the guardian ad 6159
litem shall have seven days from the date a notice is sent 6160
pursuant to this division to object to and request a hearing on 6161
the proposed extension or termination. 6162

(a) If it receives a timely request for a hearing, the 6163
court shall schedule a hearing to be held no later than thirty 6164

days after the request is received by the court. The court shall 6165
give notice of the date, time, and location of the hearing to 6166
all parties and the guardian ad litem. At the hearing, the court 6167
shall determine whether extension or termination of the order is 6168
in the child's best interest. If termination is in the child's 6169
best interest, the court shall terminate the order. If extension 6170
is in the child's best interest, the court shall extend the 6171
order for six months. 6172

(b) If it does not receive a timely request for a hearing, 6173
the court may extend the order for six months or terminate it 6174
without a hearing and shall journalize the order of extension or 6175
termination not later than fourteen days after receiving the 6176
request for extension or termination or after the date the court 6177
notifies the parties that it will extend or terminate the order. 6178
If the court does not extend or terminate the order, it shall 6179
schedule a hearing to be held no later than thirty days after 6180
the expiration of the applicable fourteen-day time period and 6181
give notice of the date, time, and location of the hearing to 6182
all parties and the child's guardian ad litem. At the hearing, 6183
the court shall determine whether extension or termination of 6184
the order is in the child's best interest. If termination is in 6185
the child's best interest, the court shall terminate the order. 6186
If extension is in the child's best interest, the court shall 6187
issue an order extending the order for protective supervision 6188
six months. 6189

(2) If the court grants an extension of the order for 6190
protective supervision pursuant to division (H)(1) of this 6191
section, a party may, prior to termination of the extension, 6192
file with the court a request for an additional extension of six 6193
months or for termination of the order. The court and the 6194
parties shall comply with division (H)(1) of this section with 6195

respect to extending or terminating the order. 6196

(3) If a court grants an extension pursuant to division 6197
(H) (2) of this section, the court shall terminate the order for 6198
protective supervision at the end of the extension. 6199

(I) The court shall not issue a dispositional order 6200
pursuant to division (A) of this section that removes a child 6201
from the child's home unless the court complies with section 6202
2151.419 of the Revised Code and includes in the dispositional 6203
order the findings of fact required by that section. 6204

(J) If a motion or application for an order described in 6205
division (A) (6) of this section is made, the court shall not 6206
issue the order unless, prior to the issuance of the order, it 6207
provides to the person all of the following: 6208

(1) Notice and a copy of the motion or application; 6209

(2) The grounds for the motion or application; 6210

(3) An opportunity to present evidence and witnesses at a 6211
hearing regarding the motion or application; 6212

(4) An opportunity to be represented by counsel at the 6213
hearing. 6214

(K) The jurisdiction of the court shall terminate one year 6215
after the date of the award or, if the court takes any further 6216
action in the matter subsequent to the award, the date of the 6217
latest further action subsequent to the award, if the court 6218
awards legal custody of a child to either of the following: 6219

(1) A legal custodian who, at the time of the award of 6220
legal custody, resides in a county of this state other than the 6221
county in which the court is located; 6222

(2) A legal custodian who resides in the county in which 6223
the court is located at the time of the award of legal custody, 6224
but moves to a different county of this state prior to one year 6225
after the date of the award or, if the court takes any further 6226
action in the matter subsequent to the award, one year after the 6227
date of the latest further action subsequent to the award. 6228

The court in the county in which the legal custodian 6229
resides then shall have jurisdiction in the matter. 6230

Sec. 2151.357. (A) If the court orders the records of a 6231
person sealed pursuant to section 2151.356 of the Revised Code, 6232
the person who is subject of the order properly may, and the 6233
court shall, reply that no record exists with respect to the 6234
person upon any inquiry in the matter, and the court, except as 6235
provided in division (D) of this section, shall do all of the 6236
following: 6237

(1) Order that the proceedings in a case described in 6238
divisions (B) and (C) of section 2151.356 of the Revised Code be 6239
deemed never to have occurred; 6240

(2) Except as provided in division (C) of this section, 6241
delete all index references to the case and the person so that 6242
the references are permanently irretrievable; 6243

(3) Order that all original records of the case maintained 6244
by any public office or agency, except fingerprints held by a 6245
law enforcement agency, DNA specimens collected pursuant to 6246
section 2152.74 of the Revised Code, and DNA records derived 6247
from DNA specimens pursuant to section 109.573 of the Revised 6248
Code, be delivered to the court; 6249

(4) Order each public office or agency, upon the 6250
delivering of records to the court under division (A) (3) of this 6251

section, to expunge remaining records of the case that are the 6252
subject of the sealing order that are maintained by that public 6253
office or agency, except fingerprints, DNA specimens, and DNA 6254
records described under division (A) (3) of this section; 6255

(5) Send notice of the order to seal to any public office 6256
or agency that the court has reason to believe may have a record 6257
of the sealed record including, but not limited to, the bureau 6258
of criminal identification and investigation; 6259

(6) Seal all of the records delivered to the court under 6260
division (A) (3) of this section, in a separate file in which 6261
only sealed records are maintained. 6262

(B) Except as provided in division (D) of this section, an 6263
order to seal under section 2151.356 of the Revised Code applies 6264
to every public office or agency that has a record relating to 6265
the case, regardless of whether it receives notice of the 6266
hearing on the sealing of the record or a copy of the order. 6267
Except as provided in division (D) of this section, upon the 6268
written request of a person whose record has been sealed and the 6269
presentation of a copy of the order and compliance with division 6270
(A) (3) of this section, a public office or agency shall expunge 6271
its record relating to the case, except a record of the 6272
adjudication or arrest or taking into custody that is maintained 6273
for compiling statistical data and that does not contain any 6274
reference to the person who is the subject of the order. 6275

(C) The court that maintains sealed records pursuant to 6276
this section may maintain a manual or computerized index of the 6277
sealed records and shall make the index available only for the 6278
purposes set forth in division (E) of this section. 6279

(1) Each entry regarding a sealed record in the index of 6280

sealed records shall contain all of the following: 6281

(a) The name of the person who is the subject of the 6282
sealed record; 6283

(b) An alphanumeric identifier relating to the person who 6284
is the subject of the sealed record; 6285

(c) The word "sealed"; 6286

(d) The name of the court that has custody of the sealed 6287
record. 6288

(2) Any entry regarding a sealed record in the index of 6289
sealed records shall not contain either of the following: 6290

(a) The social security number of the person who is 6291
subject of the sealed record; 6292

(b) The name or a description of the act committed. 6293

(D) Notwithstanding any provision of this section that 6294
requires otherwise, a board of education of a city, local, 6295
exempted village, or joint vocational school district that 6296
maintains records of an individual who has been permanently 6297
excluded under sections 3301.121 and 3313.662 of the Revised 6298
Code is permitted to maintain records regarding an adjudication 6299
that the individual is a delinquent child that was used as the 6300
basis for the individual's permanent exclusion, regardless of a 6301
court order to seal the record. An order issued under section 6302
2151.356 of the Revised Code to seal the record of an 6303
adjudication that an individual is a delinquent child does not 6304
revoke the adjudication order of the ~~superintendent of public-~~ 6305
~~instruction~~ director of education and workforce to permanently 6306
exclude the individual who is the subject of the sealing order. 6307
An order to seal the record of an adjudication that an 6308

individual is a delinquent child may be presented to a district 6309
superintendent as evidence to support the contention that the 6310
superintendent should recommend that the permanent exclusion of 6311
the individual who is the subject of the sealing order be 6312
revoked. Except as otherwise authorized by this division and 6313
sections 3301.121 and 3313.662 of the Revised Code, any school 6314
employee in possession of or having access to the sealed 6315
adjudication records of an individual that were the basis of a 6316
permanent exclusion of the individual is subject to division (F) 6317
of this section. 6318

(E) Inspection of records that have been ordered sealed 6319
under section 2151.356 of the Revised Code may be made only by 6320
the following persons or for the following purposes: 6321

(1) By the court; 6322

(2) If the records in question pertain to an act that 6323
would be an offense of violence that would be a felony if 6324
committed by an adult, by any law enforcement officer or any 6325
prosecutor, or the assistants of a law enforcement officer or 6326
prosecutor, for any valid law enforcement or prosecutorial 6327
purpose; 6328

(3) Upon application by the person who is the subject of 6329
the sealed records, by the person that is named in that 6330
application; 6331

(4) If the records in question pertain to an alleged 6332
violation of division (E) (1) of section 4301.69 of the Revised 6333
Code, by any law enforcement officer or any prosecutor, or the 6334
assistants of a law enforcement officer or prosecutor, for the 6335
purpose of determining whether the person is eligible for 6336
diversion under division (E) (2) of section 4301.69 of the 6337

Revised Code; 6338

(5) At the request of a party in a civil action that is 6339
based on a case the records for which are the subject of a 6340
sealing order issued under section 2151.356 of the Revised Code, 6341
as needed for the civil action. The party also may copy the 6342
records as needed for the civil action. The sealed records shall 6343
be used solely in the civil action and are otherwise 6344
confidential and subject to the provisions of this section; 6345

(6) By the attorney general or an authorized employee of 6346
the attorney general or the court for purposes of determining 6347
whether a child is a public registry-qualified juvenile offender 6348
registrant, as defined in section 2950.01 of the Revised Code, 6349
for purposes of Chapter 2950. of the Revised Code. 6350

(F) No officer or employee of the state or any of its 6351
political subdivisions shall knowingly release, disseminate, or 6352
make available for any purpose involving employment, bonding, 6353
licensing, or education to any person or to any department, 6354
agency, or other instrumentality of the state or of any of its 6355
political subdivisions any information or other data concerning 6356
any arrest, taking into custody, complaint, indictment, 6357
information, trial, hearing, adjudication, or correctional 6358
supervision, the records of which have been sealed pursuant to 6359
section 2151.356 of the Revised Code and the release, 6360
dissemination, or making available of which is not expressly 6361
permitted by this section. Whoever violates this division is 6362
guilty of divulging confidential information, a misdemeanor of 6363
the fourth degree. 6364

(G) In any application for employment, license, or other 6365
right or privilege, any appearance as a witness, or any other 6366
inquiry, a person may not be questioned with respect to any 6367

arrest or taking into custody for which the records were sealed. 6368
If an inquiry is made in violation of this division, the person 6369
may respond as if the sealed arrest or taking into custody did 6370
not occur, and the person shall not be subject to any adverse 6371
action because of the arrest or taking into custody or the 6372
response. 6373

(H) The judgment rendered by the court under this chapter 6374
shall not impose any of the civil disabilities ordinarily 6375
imposed by conviction of a crime in that the child is not a 6376
criminal by reason of the adjudication, and no child shall be 6377
charged with or convicted of a crime in any court except as 6378
provided by this chapter. The disposition of a child under the 6379
judgment rendered or any evidence given in court shall not 6380
operate to disqualify a child in any future civil service 6381
examination, appointment, or application. Evidence of a judgment 6382
rendered and the disposition of a child under the judgment is 6383
not admissible to impeach the credibility of the child in any 6384
action or proceeding. Otherwise, the disposition of a child 6385
under the judgment rendered or any evidence given in court is 6386
admissible as evidence for or against the child in any action or 6387
proceeding in any court in accordance with the Rules of Evidence 6388
and also may be considered by any court as to the matter of 6389
sentence or to the granting of probation, and a court may 6390
consider the judgment rendered and the disposition of a child 6391
under that judgment for purposes of determining whether the 6392
child, for a future criminal conviction or guilty plea, is a 6393
repeat violent offender, as defined in section 2929.01 of the 6394
Revised Code. 6395

Sec. 2151.362. (A) (1) In the manner prescribed by division 6396
(C) (1) or (2) of section 3313.64 of the Revised Code, as 6397
applicable, the court, at the time of making any order that 6398

removes a child from the child's own home or that vests legal or 6399
permanent custody of the child in a person other than the 6400
child's parent or a government agency, shall determine the 6401
school district that is to bear the cost of educating the child. 6402
The court shall make the determination a part of the order that 6403
provides for the child's placement or commitment. That school 6404
district shall bear the cost of educating the child unless and 6405
until the department of education and workforce determines that 6406
a different district shall be responsible for bearing that cost 6407
pursuant to division (A) (2) of this section. The court's order 6408
shall state that the determination of which school district is 6409
responsible to bear the cost of educating the child is subject 6410
to re-determination by the department pursuant to that division. 6411

(2) If, while the child is in the custody of a person 6412
other than the child's parent or a government agency, the 6413
department of education and workforce determines that the place 6414
of residence of the child's parent has changed since the court 6415
issued its initial order, the department may name a different 6416
school district to bear the cost of educating the child. The 6417
department shall make this new determination, and any future 6418
determinations, based on evidence received from the school 6419
district currently responsible to bear the cost of educating the 6420
child. If the department finds that the evidence demonstrates to 6421
its satisfaction that the residence of the child's parent has 6422
changed since the court issued its initial order under division 6423
(A) (1) of this section, or since the department last made a 6424
determination under division (A) (2) of this section, the 6425
department shall name the district in which the child's parent 6426
currently resides or, if the parent's residence is not known, 6427
the district in which the parent's last known residence is 6428
located. If the department cannot determine any Ohio district in 6429

which the parent currently resides or has resided, the school 6430
district designated in the initial court order under division 6431
(A) (1) of this section, or in the most recent determination made 6432
by the department under division (A) (2) of this section, shall 6433
continue to bear the cost of educating the child. 6434

(B) Whenever a child is placed in a detention facility 6435
established under section 2152.41 of the Revised Code or a 6436
juvenile facility established under section 2151.65 of the 6437
Revised Code, the facility shall be responsible for coordinating 6438
the education of the child. The facility may take any of the 6439
following measures in coordinating the education of the child: 6440

(1) If applicable, use the chartered nonpublic school that 6441
the facility operates; 6442

(2) Arrange with the school district responsible for 6443
bearing the cost of educating the child determined under 6444
division (A) of this section, for the facility to educate the 6445
child on its own; 6446

(3) Contract with an educational service center for the 6447
service center to educate the child; 6448

(4) Contract with the school district in which the 6449
facility is located for that school district to educate the 6450
child; 6451

(5) If the child is enrolled in an internet- or computer- 6452
based community school established under Chapter 3314. of the 6453
Revised Code, and provided that the facility possesses the 6454
necessary hardware, software, and internet connectivity, permit 6455
continued instruction of the child by the internet- or computer- 6456
based community school. 6457

If the facility coordinates the education of the child 6458

pursuant to division (B) (1), (2), (3), or (4) of this section, 6459
child's school district as determined by the court or the 6460
department, in the same manner as prescribed in division (A) of 6461
this section, shall pay the cost of educating the child based on 6462
the per capita cost of the educational facility within the 6463
detention home or juvenile facility. 6464

If the facility coordinates the education of the child 6465
pursuant to division (B) (5) of this section, payment for the 6466
cost of educating the child shall be made only as provided in 6467
section 3317.022 of the Revised Code. 6468

(C) Whenever a child is placed by the court in a private 6469
institution, school, or residential treatment center or any 6470
other private facility, the state shall pay to the court a 6471
subsidy to help defray the expense of educating the child in an 6472
amount equal to the product of the daily per capita educational 6473
cost of the private facility, as determined pursuant to this 6474
section, and the number of days the child resides at the private 6475
facility, provided that the subsidy shall not exceed twenty-five 6476
hundred dollars per year per child. The daily per capita 6477
educational cost of a private facility shall be determined by 6478
dividing the actual program cost of the private facility or 6479
twenty-five hundred dollars, whichever is less, by three hundred 6480
sixty-five days or by three hundred sixty-six days for years 6481
that include February twenty-ninth. The state shall pay seventy- 6482
five per cent of the total subsidy for each year quarterly to 6483
the court. The state may adjust the remaining twenty-five per 6484
cent of the total subsidy to be paid to the court for each year 6485
to an amount that is less than twenty-five per cent of the total 6486
subsidy for that year based upon the availability of funds 6487
appropriated to the department of education and workforce for 6488
the purpose of subsidizing courts that place a child in a 6489

private institution, school, or residential treatment center or 6490
any other private facility and shall pay that adjusted amount to 6491
the court at the end of the year. 6492

Sec. 2305.111. (A) As used in this section: 6493

(1) "Childhood sexual abuse" means any conduct that 6494
constitutes any of the violations identified in division (A)(1) 6495
(a) or (b) of this section and would constitute a criminal 6496
offense under the specified section or division of the Revised 6497
Code, if the victim of the violation is at the time of the 6498
violation a child under eighteen years of age or a child with a 6499
developmental disability or physical impairment under twenty-one 6500
years of age. The court need not find that any person has been 6501
convicted of or pleaded guilty to the offense under the 6502
specified section or division of the Revised Code in order for 6503
the conduct that is the violation constituting the offense to be 6504
childhood sexual abuse for purposes of this division. This 6505
division applies to any of the following violations committed in 6506
the following specified circumstances: 6507

(a) A violation of section 2907.02 or of division (A)(1), 6508
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 6509
of the Revised Code; 6510

(b) A violation of section 2907.05 or 2907.06 of the 6511
Revised Code if, at the time of the violation, any of the 6512
following apply: 6513

(i) The actor is the victim's natural parent, adoptive 6514
parent, or stepparent or the guardian, custodian, or person in 6515
loco parentis of the victim. 6516

(ii) The victim is in custody of law or a patient in a 6517
hospital or other institution, and the actor has supervisory or 6518

disciplinary authority over the victim. 6519

(iii) The actor is a teacher, administrator, coach, or 6520
other person in authority employed by or serving in a school for 6521
which the ~~state board~~ director of education and workforce 6522
prescribes minimum standards pursuant to division (D) of section 6523
3301.07 of the Revised Code, the victim is enrolled in or 6524
attends that school, and the actor is not enrolled in and does 6525
not attend that school. 6526

(iv) The actor is a teacher, administrator, coach, or 6527
other person in authority employed by or serving in an 6528
institution of higher education, and the victim is enrolled in 6529
or attends that institution. 6530

(v) The actor is the victim's athletic or other type of 6531
coach, is the victim's instructor, is the leader of a scouting 6532
troop of which the victim is a member, or is a person with 6533
temporary or occasional disciplinary control over the victim. 6534

(vi) The actor is a mental health professional, the victim 6535
is a mental health client or patient of the actor, and the actor 6536
induces the victim to submit by falsely representing to the 6537
victim that the sexual contact involved in the violation is 6538
necessary for mental health treatment purposes. 6539

(vii) The victim is confined in a detention facility, and 6540
the actor is an employee of that detention facility. 6541

(viii) The actor is a cleric, and the victim is a member 6542
of, or attends, the church or congregation served by the cleric. 6543

(2) "Cleric" has the same meaning as in section 2317.02 of 6544
the Revised Code. 6545

(3) "Mental health client or patient" has the same meaning 6546

as in section 2305.51 of the Revised Code. 6547

(4) "Mental health professional" has the same meaning as 6548
in section 2305.115 of the Revised Code. 6549

(5) "Sexual contact" has the same meaning as in section 6550
2907.01 of the Revised Code. 6551

(6) "Victim" means, except as provided in division (B) of 6552
this section, a victim of childhood sexual abuse. 6553

(B) Except as provided in section 2305.115 of the Revised 6554
Code and subject to division (C) of this section, an action for 6555
assault or battery shall be brought within one year after the 6556
cause of the action accrues. For purposes of this section, a 6557
cause of action for assault or battery accrues upon the later of 6558
the following: 6559

(1) The date on which the alleged assault or battery 6560
occurred; 6561

(2) If the plaintiff did not know the identity of the 6562
person who allegedly committed the assault or battery on the 6563
date on which it allegedly occurred, the earlier of the 6564
following dates: 6565

(a) The date on which the plaintiff learns the identity of 6566
that person; 6567

(b) The date on which, by the exercise of reasonable 6568
diligence, the plaintiff should have learned the identity of 6569
that person. 6570

(C) An action for assault or battery brought by a victim 6571
of childhood sexual abuse based on childhood sexual abuse, or an 6572
action brought by a victim of childhood sexual abuse asserting 6573
any claim resulting from childhood sexual abuse, shall be 6574

brought within twelve years after the cause of action accrues. 6575
For purposes of this section, a cause of action for assault or 6576
battery based on childhood sexual abuse, or a cause of action 6577
for a claim resulting from childhood sexual abuse, accrues upon 6578
the date on which the victim reaches the age of majority. If the 6579
defendant in an action brought by a victim of childhood sexual 6580
abuse asserting a claim resulting from childhood sexual abuse 6581
that occurs on or after August 3, 2006, has fraudulently 6582
concealed from the plaintiff facts that form the basis of the 6583
claim, the running of the limitations period with regard to that 6584
claim is tolled until the time when the plaintiff discovers or 6585
in the exercise of due diligence should have discovered those 6586
facts. 6587

Sec. 2901.01. (A) As used in the Revised Code: 6588

(1) "Force" means any violence, compulsion, or constraint 6589
physically exerted by any means upon or against a person or 6590
thing. 6591

(2) "Deadly force" means any force that carries a 6592
substantial risk that it will proximately result in the death of 6593
any person. 6594

(3) "Physical harm to persons" means any injury, illness, 6595
or other physiological impairment, regardless of its gravity or 6596
duration. 6597

(4) "Physical harm to property" means any tangible or 6598
intangible damage to property that, in any degree, results in 6599
loss to its value or interferes with its use or enjoyment. 6600
"Physical harm to property" does not include wear and tear 6601
occasioned by normal use. 6602

(5) "Serious physical harm to persons" means any of the 6603

- following: 6604
- (a) Any mental illness or condition of such gravity as 6605
would normally require hospitalization or prolonged psychiatric 6606
treatment; 6607
- (b) Any physical harm that carries a substantial risk of 6608
death; 6609
- (c) Any physical harm that involves some permanent 6610
incapacity, whether partial or total, or that involves some 6611
temporary, substantial incapacity; 6612
- (d) Any physical harm that involves some permanent 6613
disfigurement or that involves some temporary, serious 6614
disfigurement; 6615
- (e) Any physical harm that involves acute pain of such 6616
duration as to result in substantial suffering or that involves 6617
any degree of prolonged or intractable pain. 6618
- (6) "Serious physical harm to property" means any physical 6619
harm to property that does either of the following: 6620
- (a) Results in substantial loss to the value of the 6621
property or requires a substantial amount of time, effort, or 6622
money to repair or replace; 6623
- (b) Temporarily prevents the use or enjoyment of the 6624
property or substantially interferes with its use or enjoyment 6625
for an extended period of time. 6626
- (7) "Risk" means a significant possibility, as contrasted 6627
with a remote possibility, that a certain result may occur or 6628
that certain circumstances may exist. 6629
- (8) "Substantial risk" means a strong possibility, as 6630

contrasted with a remote or significant possibility, that a 6631
certain result may occur or that certain circumstances may 6632
exist. 6633

(9) "Offense of violence" means any of the following: 6634

(a) A violation of section 2903.01, 2903.02, 2903.03, 6635
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 6636
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 6637
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 6638
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 6639
2921.34, or 2923.161, of division (A) (1) of section 2903.34, of 6640
division (A) (1), (2), or (3) of section 2911.12, or of division 6641
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 6642
or felonious sexual penetration in violation of former section 6643
2907.12 of the Revised Code; 6644

(b) A violation of an existing or former municipal 6645
ordinance or law of this or any other state or the United 6646
States, substantially equivalent to any section, division, or 6647
offense listed in division (A) (9) (a) of this section; 6648

(c) An offense, other than a traffic offense, under an 6649
existing or former municipal ordinance or law of this or any 6650
other state or the United States, committed purposely or 6651
knowingly, and involving physical harm to persons or a risk of 6652
serious physical harm to persons; 6653

(d) A conspiracy or attempt to commit, or complicity in 6654
committing, any offense under division (A) (9) (a), (b), or (c) of 6655
this section. 6656

(10) (a) "Property" means any property, real or personal, 6657
tangible or intangible, and any interest or license in that 6658
property. "Property" includes, but is not limited to, cable 6659

television service, other telecommunications service, 6660
telecommunications devices, information service, computers, 6661
data, computer software, financial instruments associated with 6662
computers, other documents associated with computers, or copies 6663
of the documents, whether in machine or human readable form, 6664
trade secrets, trademarks, copyrights, patents, and property 6665
protected by a trademark, copyright, or patent. "Financial 6666
instruments associated with computers" include, but are not 6667
limited to, checks, drafts, warrants, money orders, notes of 6668
indebtedness, certificates of deposit, letters of credit, bills 6669
of credit or debit cards, financial transaction authorization 6670
mechanisms, marketable securities, or any computer system 6671
representations of any of them. 6672

(b) As used in division (A) (10) of this section, "trade 6673
secret" has the same meaning as in section 1333.61 of the 6674
Revised Code, and "telecommunications service" and "information 6675
service" have the same meanings as in section 2913.01 of the 6676
Revised Code. 6677

(c) As used in divisions (A) (10) and (13) of this section, 6678
"cable television service," "computer," "computer software," 6679
"computer system," "computer network," "data," and 6680
"telecommunications device" have the same meanings as in section 6681
2913.01 of the Revised Code. 6682

(11) "Law enforcement officer" means any of the following: 6683

(a) A sheriff, deputy sheriff, constable, police officer 6684
of a township or joint police district, marshal, deputy marshal, 6685
municipal police officer, member of a police force employed by a 6686
metropolitan housing authority under division (D) of section 6687
3735.31 of the Revised Code, or state highway patrol trooper; 6688

(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(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 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; 6717

(k) A special police officer employed by a port authority 6718
under section 4582.04 or 4582.28 of the Revised Code; 6719

(l) The house of representatives sergeant at arms if the 6720
house of representatives sergeant at arms has arrest authority 6721
pursuant to division (E) (1) of section 101.311 of the Revised 6722
Code and an assistant house of representatives sergeant at arms; 6723

(m) The senate sergeant at arms and an assistant senate 6724
sergeant at arms; 6725

(n) A special police officer employed by a municipal 6726
corporation at a municipal airport, or other municipal air 6727
navigation facility, that has scheduled operations, as defined 6728
in section 119.3 of Title 14 of the Code of Federal Regulations, 6729
14 C.F.R. 119.3, as amended, and that is required to be under a 6730
security program and is governed by aviation security rules of 6731
the transportation security administration of the United States 6732
department of transportation as provided in Parts 1542. and 6733
1544. of Title 49 of the Code of Federal Regulations, as 6734
amended. 6735

(12) "Privilege" means an immunity, license, or right 6736
conferred by law, bestowed by express or implied grant, arising 6737
out of status, position, office, or relationship, or growing out 6738
of necessity. 6739

(13) "Contraband" means any property that is illegal for a 6740
person to acquire or possess under a statute, ordinance, or 6741
rule, or that a trier of fact lawfully determines to be illegal 6742
to possess by reason of the property's involvement in an 6743
offense. "Contraband" includes, but is not limited to, all of 6744
the following: 6745

(a) Any controlled substance, as defined in section 6746
3719.01 of the Revised Code, or any device or paraphernalia; 6747

(b) Any unlawful gambling device or paraphernalia; 6748

(c) Any dangerous ordnance or obscene material. 6749

(14) A person is "not guilty by reason of insanity" 6750
relative to a charge of an offense only if the person proves, in 6751
the manner specified in section 2901.05 of the Revised Code, 6752
that at the time of the commission of the offense, the person 6753
did not know, as a result of a severe mental disease or defect, 6754
the wrongfulness of the person's acts. 6755

(B) (1) (a) Subject to division (B) (2) of this section, as 6756
used in any section contained in Title XXIX of the Revised Code 6757
that sets forth a criminal offense, "person" includes all of the 6758
following: 6759

(i) An individual, corporation, business trust, estate, 6760
trust, partnership, and association; 6761

(ii) An unborn human who is viable. 6762

(b) As used in any section contained in Title XXIX of the 6763
Revised Code that does not set forth a criminal offense, 6764
"person" includes an individual, corporation, business trust, 6765
estate, trust, partnership, and association. 6766

(c) As used in division (B) (1) (a) of this section: 6767

(i) "Unborn human" means an individual organism of the 6768
species Homo sapiens from fertilization until live birth. 6769

(ii) "Viable" means the stage of development of a human 6770
fetus at which there is a realistic possibility of maintaining 6771
and nourishing of a life outside the womb with or without 6772

temporary artificial life-sustaining support. 6773

(2) Notwithstanding division (B) (1) (a) of this section, in 6774
no case shall the portion of the definition of the term "person" 6775
that is set forth in division (B) (1) (a) (ii) of this section be 6776
applied or construed in any section contained in Title XXIX of 6777
the Revised Code that sets forth a criminal offense in any of 6778
the following manners: 6779

(a) Except as otherwise provided in division (B) (2) (a) of 6780
this section, in a manner so that the offense prohibits or is 6781
construed as prohibiting any pregnant woman or her physician 6782
from performing an abortion with the consent of the pregnant 6783
woman, with the consent of the pregnant woman implied by law in 6784
a medical emergency, or with the approval of one otherwise 6785
authorized by law to consent to medical treatment on behalf of 6786
the pregnant woman. An abortion that violates the conditions 6787
described in the immediately preceding sentence may be punished 6788
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6789
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6790
2903.21, or 2903.22 of the Revised Code, as applicable. An 6791
abortion that does not violate the conditions described in the 6792
second immediately preceding sentence, but that does violate 6793
section 2919.12, division (B) of section 2919.13, or section 6794
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6795
be punished as a violation of section 2919.12, division (B) of 6796
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6797
2919.18 of the Revised Code, as applicable. Consent is 6798
sufficient under this division if it is of the type otherwise 6799
adequate to permit medical treatment to the pregnant woman, even 6800
if it does not comply with section 2919.12 of the Revised Code. 6801

(b) In a manner so that the offense is applied or is 6802

construed as applying to a woman based on an act or omission of 6803
the woman that occurs while she is or was pregnant and that 6804
results in any of the following: 6805

(i) Her delivery of a stillborn baby; 6806

(ii) Her causing, in any other manner, the death in utero 6807
of a viable, unborn human that she is carrying; 6808

(iii) Her causing the death of her child who is born alive 6809
but who dies from one or more injuries that are sustained while 6810
the child is a viable, unborn human; 6811

(iv) Her causing her child who is born alive to sustain 6812
one or more injuries while the child is a viable, unborn human; 6813

(v) Her causing, threatening to cause, or attempting to 6814
cause, in any other manner, an injury, illness, or other 6815
physiological impairment, regardless of its duration or gravity, 6816
or a mental illness or condition, regardless of its duration or 6817
gravity, to a viable, unborn human that she is carrying. 6818

(C) As used in Title XXIX of the Revised Code: 6819

(1) "School safety zone" consists of a school, school 6820
building, school premises, school activity, and school bus. 6821

(2) "School," "school building," and "school premises" 6822
have the same meanings as in section 2925.01 of the Revised 6823
Code. 6824

(3) "School activity" means any activity held under the 6825
auspices of a board of education of a city, local, exempted 6826
village, joint vocational, or cooperative education school 6827
district; a governing authority of a community school 6828
established under Chapter 3314. of the Revised Code; a governing 6829
board of an educational service center, or the governing body of 6830

a school for which the ~~state board~~ director of education and 6831
workforce prescribes minimum standards under section 3301.07 of 6832
the Revised Code. 6833

(4) "School bus" has the same meaning as in section 6834
4511.01 of the Revised Code. 6835

Sec. 2903.13. (A) No person shall knowingly cause or 6836
attempt to cause physical harm to another or to another's 6837
unborn. 6838

(B) No person shall recklessly cause serious physical harm 6839
to another or to another's unborn. 6840

(C) (1) Whoever violates this section is guilty of assault, 6841
and the court shall sentence the offender as provided in this 6842
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 6843
(8), (9), and (10) of this section. Except as otherwise provided 6844
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 6845
section, assault is a misdemeanor of the first degree. 6846

(2) Except as otherwise provided in this division, if the 6847
offense is committed by a caretaker against a functionally 6848
impaired person under the caretaker's care, assault is a felony 6849
of the fourth degree. If the offense is committed by a caretaker 6850
against a functionally impaired person under the caretaker's 6851
care, if the offender previously has been convicted of or 6852
pleaded guilty to a violation of this section or section 2903.11 6853
or 2903.16 of the Revised Code, and if in relation to the 6854
previous conviction the offender was a caretaker and the victim 6855
was a functionally impaired person under the offender's care, 6856
assault is a felony of the third degree. 6857

(3) If the offense occurs in or on the grounds of a state 6858
correctional institution or an institution of the department of 6859

youth services, the victim of the offense is an employee of the 6860
department of rehabilitation and correction or the department of 6861
youth services, and the offense is committed by a person 6862
incarcerated in the state correctional institution or by a 6863
person institutionalized in the department of youth services 6864
institution pursuant to a commitment to the department of youth 6865
services, assault is a felony of the third degree. 6866

(4) If the offense is committed in any of the following 6867
circumstances, assault is a felony of the fifth degree: 6868

(a) The offense occurs in or on the grounds of a local 6869
correctional facility, the victim of the offense is an employee 6870
of the local correctional facility or a probation department or 6871
is on the premises of the facility for business purposes or as a 6872
visitor, and the offense is committed by a person who is under 6873
custody in the facility subsequent to the person's arrest for 6874
any crime or delinquent act, subsequent to the person's being 6875
charged with or convicted of any crime, or subsequent to the 6876
person's being alleged to be or adjudicated a delinquent child. 6877

(b) The offense occurs off the grounds of a state 6878
correctional institution and off the grounds of an institution 6879
of the department of youth services, the victim of the offense 6880
is an employee of the department of rehabilitation and 6881
correction, the department of youth services, or a probation 6882
department, the offense occurs during the employee's official 6883
work hours and while the employee is engaged in official work 6884
responsibilities, and the offense is committed by a person 6885
incarcerated in a state correctional institution or 6886
institutionalized in the department of youth services who 6887
temporarily is outside of the institution for any purpose, by a 6888
parolee, by an offender under transitional control, under a 6889

community control sanction, or on an escorted visit, by a person 6890
under post-release control, or by an offender under any other 6891
type of supervision by a government agency. 6892

(c) The offense occurs off the grounds of a local 6893
correctional facility, the victim of the offense is an employee 6894
of the local correctional facility or a probation department, 6895
the offense occurs during the employee's official work hours and 6896
while the employee is engaged in official work responsibilities, 6897
and the offense is committed by a person who is under custody in 6898
the facility subsequent to the person's arrest for any crime or 6899
delinquent act, subsequent to the person being charged with or 6900
convicted of any crime, or subsequent to the person being 6901
alleged to be or adjudicated a delinquent child and who 6902
temporarily is outside of the facility for any purpose or by a 6903
parolee, by an offender under transitional control, under a 6904
community control sanction, or on an escorted visit, by a person 6905
under post-release control, or by an offender under any other 6906
type of supervision by a government agency. 6907

(d) The victim of the offense is a school teacher or 6908
administrator or a school bus operator, and the offense occurs 6909
in a school, on school premises, in a school building, on a 6910
school bus, or while the victim is outside of school premises or 6911
a school bus and is engaged in duties or official 6912
responsibilities associated with the victim's employment or 6913
position as a school teacher or administrator or a school bus 6914
operator, including, but not limited to, driving, accompanying, 6915
or chaperoning students at or on class or field trips, athletic 6916
events, or other school extracurricular activities or functions 6917
outside of school premises. 6918

(5) If the victim of the offense is a peace officer or an 6919

investigator of the bureau of criminal identification and 6920
investigation, a firefighter, or a person performing emergency 6921
medical service, while in the performance of their official 6922
duties, assault is a felony of the fourth degree. 6923

(6) If the victim of the offense is a peace officer or an 6924
investigator of the bureau of criminal identification and 6925
investigation and if the victim suffered serious physical harm 6926
as a result of the commission of the offense, assault is a 6927
felony of the fourth degree, and the court, pursuant to division 6928
(F) of section 2929.13 of the Revised Code, shall impose as a 6929
mandatory prison term one of the prison terms prescribed for a 6930
felony of the fourth degree that is at least twelve months in 6931
duration. 6932

(7) If the victim of the offense is an officer or employee 6933
of a public children services agency or a private child placing 6934
agency and the offense relates to the officer's or employee's 6935
performance or anticipated performance of official 6936
responsibilities or duties, assault is either a felony of the 6937
fifth degree or, if the offender previously has been convicted 6938
of or pleaded guilty to an offense of violence, the victim of 6939
that prior offense was an officer or employee of a public 6940
children services agency or private child placing agency, and 6941
that prior offense related to the officer's or employee's 6942
performance or anticipated performance of official 6943
responsibilities or duties, a felony of the fourth degree. 6944

(8) If the victim of the offense is a health care 6945
professional of a hospital, a health care worker of a hospital, 6946
or a security officer of a hospital whom the offender knows or 6947
has reasonable cause to know is a health care professional of a 6948
hospital, a health care worker of a hospital, or a security 6949

officer of a hospital, if the victim is engaged in the 6950
performance of the victim's duties, and if the hospital offers 6951
de-escalation or crisis intervention training for such 6952
professionals, workers, or officers, assault is one of the 6953
following: 6954

(a) Except as otherwise provided in division (C) (8) (b) of 6955
this section, assault committed in the specified circumstances 6956
is a misdemeanor of the first degree. Notwithstanding the fine 6957
specified in division (A) (2) (b) of section 2929.28 of the 6958
Revised Code for a misdemeanor of the first degree, in 6959
sentencing the offender under this division and if the court 6960
decides to impose a fine, the court may impose upon the offender 6961
a fine of not more than five thousand dollars. 6962

(b) If the offender previously has been convicted of or 6963
pleaded guilty to one or more assault or homicide offenses 6964
committed against hospital personnel, assault committed in the 6965
specified circumstances is a felony of the fifth degree. 6966

(9) If the victim of the offense is a judge, magistrate, 6967
prosecutor, or court official or employee whom the offender 6968
knows or has reasonable cause to know is a judge, magistrate, 6969
prosecutor, or court official or employee, and if the victim is 6970
engaged in the performance of the victim's duties, assault is 6971
one of the following: 6972

(a) Except as otherwise provided in division (C) (8) (b) of 6973
this section, assault committed in the specified circumstances 6974
is a misdemeanor of the first degree. In sentencing the offender 6975
under this division, if the court decides to impose a fine, 6976
notwithstanding the fine specified in division (A) (2) (b) of 6977
section 2929.28 of the Revised Code for a misdemeanor of the 6978
first degree, the court may impose upon the offender a fine of 6979

not more than five thousand dollars. 6980

(b) If the offender previously has been convicted of or 6981
pleaded guilty to one or more assault or homicide offenses 6982
committed against justice system personnel, assault committed in 6983
the specified circumstances is a felony of the fifth degree. 6984

(10) If an offender who is convicted of or pleads guilty 6985
to assault when it is a misdemeanor also is convicted of or 6986
pleads guilty to a specification as described in section 6987
2941.1423 of the Revised Code that was included in the 6988
indictment, count in the indictment, or information charging the 6989
offense, the court shall sentence the offender to a mandatory 6990
jail term as provided in division (G) of section 2929.24 of the 6991
Revised Code. 6992

If an offender who is convicted of or pleads guilty to 6993
assault when it is a felony also is convicted of or pleads 6994
guilty to a specification as described in section 2941.1423 of 6995
the Revised Code that was included in the indictment, count in 6996
the indictment, or information charging the offense, except as 6997
otherwise provided in division (C)(6) of this section, the court 6998
shall sentence the offender to a mandatory prison term as 6999
provided in division (B)(8) of section 2929.14 of the Revised 7000
Code. 7001

(D) As used in this section: 7002

(1) "Peace officer" has the same meaning as in section 7003
2935.01 of the Revised Code. 7004

(2) "Firefighter" has the same meaning as in section 7005
3937.41 of the Revised Code. 7006

(3) "Emergency medical service" has the same meaning as in 7007
section 4765.01 of the Revised Code. 7008

(4) "Local correctional facility" means a county, 7009
multicounty, municipal, municipal-county, or multicounty- 7010
municipal jail or workhouse, a minimum security jail established 7011
under section 341.23 or 753.21 of the Revised Code, or another 7012
county, multicounty, municipal, municipal-county, or 7013
multicounty-municipal facility used for the custody of persons 7014
arrested for any crime or delinquent act, persons charged with 7015
or convicted of any crime, or persons alleged to be or 7016
adjudicated a delinquent child. 7017

(5) "Employee of a local correctional facility" means a 7018
person who is an employee of the political subdivision or of one 7019
or more of the affiliated political subdivisions that operates 7020
the local correctional facility and who operates or assists in 7021
the operation of the facility. 7022

(6) "School teacher or administrator" means either of the 7023
following: 7024

(a) A person who is employed in the public schools of the 7025
state under a contract described in section 3311.77 or 3319.08 7026
of the Revised Code in a position in which the person is 7027
required to have a certificate issued pursuant to sections 7028
3319.22 to 3319.311 of the Revised Code. 7029

(b) A person who is employed by a nonpublic school for 7030
which the ~~state board~~ director of education and workforce 7031
prescribes minimum standards under section 3301.07 of the 7032
Revised Code and who is certificated in accordance with section 7033
3301.071 of the Revised Code. 7034

(7) "Community control sanction" has the same meaning as 7035
in section 2929.01 of the Revised Code. 7036

(8) "Escorted visit" means an escorted visit granted under 7037

section 2967.27 of the Revised Code. 7038

(9) "Post-release control" and "transitional control" have 7039
the same meanings as in section 2967.01 of the Revised Code. 7040

(10) "Investigator of the bureau of criminal 7041
identification and investigation" has the same meaning as in 7042
section 2903.11 of the Revised Code. 7043

(11) "Health care professional" and "health care worker" 7044
have the same meanings as in section 2305.234 of the Revised 7045
Code. 7046

(12) "Assault or homicide offense committed against 7047
hospital personnel" means a violation of this section or of 7048
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 7049
2903.12, or 2903.14 of the Revised Code committed in 7050
circumstances in which all of the following apply: 7051

(a) The victim of the offense was a health care 7052
professional of a hospital, a health care worker of a hospital, 7053
or a security officer of a hospital. 7054

(b) The offender knew or had reasonable cause to know that 7055
the victim was a health care professional of a hospital, a 7056
health care worker of a hospital, or a security officer of a 7057
hospital. 7058

(c) The victim was engaged in the performance of the 7059
victim's duties. 7060

(d) The hospital offered de-escalation or crisis 7061
intervention training for such professionals, workers, or 7062
officers. 7063

(13) "De-escalation or crisis intervention training" means 7064
de-escalation or crisis intervention training for health care 7065

professionals of a hospital, health care workers of a hospital, 7066
and security officers of a hospital to facilitate interaction 7067
with patients, members of a patient's family, and visitors, 7068
including those with mental impairments. 7069

(14) "Assault or homicide offense committed against 7070
justice system personnel" means a violation of this section or 7071
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 7072
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 7073
circumstances in which the victim of the offense was a judge, 7074
magistrate, prosecutor, or court official or employee whom the 7075
offender knew or had reasonable cause to know was a judge, 7076
magistrate, prosecutor, or court official or employee, and the 7077
victim was engaged in the performance of the victim's duties. 7078

(15) "Court official or employee" means any official or 7079
employee of a court created under the constitution or statutes 7080
of this state or of a United States court located in this state. 7081

(16) "Judge" means a judge of a court created under the 7082
constitution or statutes of this state or of a United States 7083
court located in this state. 7084

(17) "Magistrate" means an individual who is appointed by 7085
a court of record of this state and who has the powers and may 7086
perform the functions specified in Civil Rule 53, Criminal Rule 7087
19, or Juvenile Rule 40, or an individual who is appointed by a 7088
United States court located in this state who has similar powers 7089
and functions. 7090

(18) "Prosecutor" has the same meaning as in section 7091
2935.01 of the Revised Code. 7092

(19) (a) "Hospital" means, subject to division (D) (19) (b) 7093
of this section, an institution classified as a hospital under 7094

section 3701.01 of the Revised Code in which are provided to 7095
patients diagnostic, medical, surgical, obstetrical, 7096
psychiatric, or rehabilitation care or a hospital operated by a 7097
health maintenance organization. 7098

(b) "Hospital" does not include any of the following: 7099

(i) A facility licensed under Chapter 3721. of the Revised 7100
Code, a health care facility operated by the department of 7101
mental health or the department of developmental disabilities, a 7102
health maintenance organization that does not operate a 7103
hospital, or the office of any private, licensed health care 7104
professional, whether organized for individual or group 7105
practice; 7106

(ii) An institution for the sick that is operated 7107
exclusively for patients who use spiritual means for healing and 7108
for whom the acceptance of medical care is inconsistent with 7109
their religious beliefs, accredited by a national accrediting 7110
organization, exempt from federal income taxation under section 7111
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7112
U.S.C. 1, as amended, and providing twenty-four-hour nursing 7113
care pursuant to the exemption in division (E) of section 7114
4723.32 of the Revised Code from the licensing requirements of 7115
Chapter 4723. of the Revised Code. 7116

(20) "Health maintenance organization" has the same 7117
meaning as in section 3727.01 of the Revised Code. 7118

Sec. 2907.03. (A) No person shall engage in sexual conduct 7119
with another, not the spouse of the offender, when any of the 7120
following apply: 7121

(1) The offender knowingly coerces the other person to 7122
submit by any means that would prevent resistance by a person of 7123

ordinary resolution. 7124

(2) The offender knows that the other person's ability to 7125
appraise the nature of or control the other person's own conduct 7126
is substantially impaired. 7127

(3) The offender knows that the other person submits 7128
because the other person is unaware that the act is being 7129
committed. 7130

(4) The offender knows that the other person submits 7131
because the other person mistakenly identifies the offender as 7132
the other person's spouse. 7133

(5) The offender is the other person's natural or adoptive 7134
parent, or a stepparent, or guardian, custodian, or person in 7135
loco parentis of the other person. 7136

(6) The other person is in custody of law or a patient in 7137
a hospital or other institution, and the offender has 7138
supervisory or disciplinary authority over the other person. 7139

(7) The offender is a teacher, administrator, coach, or 7140
other person in authority employed by or serving in a school for 7141
which the ~~state board~~ director of education and workforce 7142
prescribes minimum standards pursuant to division (D) of section 7143
3301.07 of the Revised Code, the other person is enrolled in or 7144
attends that school, and the offender is not enrolled in and 7145
does not attend that school. 7146

(8) The other person is a minor, the offender is a 7147
teacher, administrator, coach, or other person in authority 7148
employed by or serving in an institution of higher education, 7149
and the other person is enrolled in or attends that institution. 7150

(9) The other person is a minor, and the offender is the 7151

other person's athletic or other type of coach, is the other 7152
person's instructor, is the leader of a scouting troop of which 7153
the other person is a member, or is a person with temporary or 7154
occasional disciplinary control over the other person. 7155

(10) The offender is a mental health professional, the 7156
other person is a mental health client or patient of the 7157
offender, and the offender induces the other person to submit by 7158
falsely representing to the other person that the sexual conduct 7159
is necessary for mental health treatment purposes. 7160

(11) The other person is confined in a detention facility, 7161
and the offender is an employee of that detention facility. 7162

(12) The other person is a minor, the offender is a 7163
cleric, and the other person is a member of, or attends, the 7164
church or congregation served by the cleric. 7165

(13) The other person is a minor, the offender is a peace 7166
officer, and the offender is more than two years older than the 7167
other person. 7168

(B) Whoever violates this section is guilty of sexual 7169
battery. Except as otherwise provided in this division, sexual 7170
battery is a felony of the third degree. If the other person is 7171
less than thirteen years of age, sexual battery is a felony of 7172
the second degree, and the court shall impose upon the offender 7173
a mandatory prison term equal to one of the definite prison 7174
terms prescribed in division (A) (2) (b) of section 2929.14 of the 7175
Revised Code for a felony of the second degree, except that if 7176
the violation is committed on or after ~~the effective date of~~ 7177
~~this amendment~~ March 22, 2019, the court shall impose as the 7178
minimum prison term for the offense a mandatory prison term that 7179
is one of the minimum terms prescribed in division (A) (2) (a) of 7180

that section for a felony of the second degree. 7181

(C) As used in this section: 7182

(1) "Cleric" has the same meaning as in section 2317.02 of 7183
the Revised Code. 7184

(2) "Detention facility" has the same meaning as in 7185
section 2921.01 of the Revised Code. 7186

(3) "Institution of higher education" means a state 7187
institution of higher education defined in section 3345.011 of 7188
the Revised Code, a private nonprofit college or university 7189
located in this state that possesses a certificate of 7190
authorization issued by the ~~Ohio board~~ chancellor of regents 7191
higher education pursuant to Chapter 1713. of the Revised Code, 7192
or a school certified under Chapter 3332. of the Revised Code. 7193

(4) "Peace officer" has the same meaning as in section 7194
2935.01 of the Revised Code. 7195

Sec. 2917.31. (A) No person shall cause the evacuation of 7196
any public place, or otherwise cause serious public 7197
inconvenience or alarm, by doing any of the following: 7198

(1) Initiating or circulating a report or warning of an 7199
alleged or impending fire, explosion, crime, or other 7200
catastrophe, knowing that such report or warning is false; 7201

(2) Threatening to commit any offense of violence; 7202

(3) Committing any offense, with reckless disregard of the 7203
likelihood that its commission will cause serious public 7204
inconvenience or alarm. 7205

(B) Division (A) (1) of this section does not apply to any 7206
person conducting an authorized fire or emergency drill. 7207

(C) (1) Whoever violates this section is guilty of inducing 7208
panic. 7209

(2) Except as otherwise provided in division (C) (3), (4), 7210
(5), (6), (7), or (8) of this section, inducing panic is a 7211
misdemeanor of the first degree. 7212

(3) Except as otherwise provided in division (C) (4), (5), 7213
(6), (7), or (8) of this section, if a violation of this section 7214
results in physical harm to any person, inducing panic is a 7215
felony of the fourth degree. 7216

(4) Except as otherwise provided in division (C) (5), (6), 7217
(7), or (8) of this section, if a violation of this section 7218
results in economic harm, the penalty shall be determined as 7219
follows: 7220

(a) If the violation results in economic harm of one 7221
thousand dollars or more but less than seven thousand five 7222
hundred dollars and if division (C) (3) of this section does not 7223
apply, inducing panic is a felony of the fifth degree. 7224

(b) If the violation results in economic harm of seven 7225
thousand five hundred dollars or more but less than one hundred 7226
fifty thousand dollars, inducing panic is a felony of the fourth 7227
degree. 7228

(c) If the violation results in economic harm of one 7229
hundred fifty thousand dollars or more, inducing panic is a 7230
felony of the third degree. 7231

(5) If the public place involved in a violation of 7232
division (A) (1) of this section is a school or an institution of 7233
higher education, inducing panic is a felony of the second 7234
degree. 7235

(6) If the violation pertains to a purported, threatened, 7236
or actual use of a weapon of mass destruction, and except as 7237
otherwise provided in division (C) (5), (7), or (8) of this 7238
section, inducing panic is a felony of the fourth degree. 7239

(7) If the violation pertains to a purported, threatened, 7240
or actual use of a weapon of mass destruction, and except as 7241
otherwise provided in division (C) (5) of this section, if a 7242
violation of this section results in physical harm to any 7243
person, inducing panic is a felony of the third degree. 7244

(8) If the violation pertains to a purported, threatened, 7245
or actual use of a weapon of mass destruction, and except as 7246
otherwise provided in division (C) (5) of this section, if a 7247
violation of this section results in economic harm of one 7248
hundred thousand dollars or more, inducing panic is a felony of 7249
the third degree. 7250

(D) (1) It is not a defense to a charge under this section 7251
that pertains to a purported or threatened use of a weapon of 7252
mass destruction that the offender did not possess or have the 7253
ability to use a weapon of mass destruction or that what was 7254
represented to be a weapon of mass destruction was not a weapon 7255
of mass destruction. 7256

(2) Any act that is a violation of this section and any 7257
other section of the Revised Code may be prosecuted under this 7258
section, the other section, or both sections. 7259

(E) As used in this section: 7260

(1) "Economic harm" means any of the following: 7261

(a) All direct, incidental, and consequential pecuniary 7262
harm suffered by a victim as a result of criminal conduct. 7263

"Economic harm" as described in this division includes, but is 7264

not limited to, all of the following:	7265
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	7266 7267
(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	7268 7269 7270
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	7271 7272
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	7273 7274
(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	7275 7276 7277 7278 7279 7280 7281
(2) "School" means any school operated by a board of education or any school for which the state board director of education <u>and workforce</u> prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.	7282 7283 7284 7285 7286 7287 7288
(3) "Weapon of mass destruction" means any of the following:	7289 7290
(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or	7291 7292

impact of toxic or poisonous chemicals, or their precursors;	7293
(b) Any weapon involving a disease organism or biological agent;	7294 7295
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	7296 7297
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a) (4) and regulations issued under that section:	7298 7299 7300 7301
(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;	7302 7303 7304 7305
(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E) (3) (d) (i) of this section and from which an item or device described in that division may be readily assembled.	7306 7307 7308 7309 7310
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	7311 7312
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	7313 7314
(6) "Institution of higher education" means any of the following:	7315 7316
(a) A state university or college as defined in division (A) (1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;	7317 7318 7319 7320

(b) A private, nonprofit college, university or other 7321
post-secondary institution located in this state that possesses 7322
a certificate of authorization issued by the ~~Ohio board of~~ 7323
~~regents~~ chancellor of higher education pursuant to Chapter 1713. 7324
of the Revised Code; 7325

(c) A post-secondary institution with a certificate of 7326
registration issued by the state board of career colleges and 7327
schools under Chapter 3332. of the Revised Code. 7328

Sec. 2917.46. (A) No person shall, with intent to identify 7329
a building as a block parent home or building, display the block 7330
parent symbol adopted by the former state board of education 7331
pursuant to former section 3301.076 of the Revised Code prior to 7332
its repeal on July 1, 2007. 7333

(B) No person shall, with intent to identify a building as 7334
a block parent home or building, display a symbol that falsely 7335
gives the appearance of being the block parent symbol adopted by 7336
the former state board of education pursuant to former section 7337
3301.076 of the Revised Code prior to its repeal on July 1, 7338
2007. 7339

(C) No person, with intent to identify a home or building 7340
as a mcgruff house program home or building, shall display the 7341
mcgruff house symbol adopted by the division of criminal justice 7342
services in the state department of public safety pursuant to 7343
section 5502.62 of the Revised Code unless authorized in 7344
accordance with that section, any rule adopted pursuant to that 7345
section, or former section 3313.206 of the Revised Code prior to 7346
its repeal on ~~the effective date of this amendment~~ April 8, 7347
2019. 7348

(D) No person, with intent to identify a home or building 7349

as a mcgruff house program home or building, shall display a 7350
symbol that falsely gives the appearance of being the mcgruff 7351
house symbol adopted by the division of criminal justice 7352
services in the state department of public safety pursuant to 7353
section 5502.62 of the Revised Code or any rule adopted pursuant 7354
to that section. 7355

(E) (1) Whoever violates division (A) or (B) of this 7356
section is guilty of unauthorized use of a block parent symbol, 7357
a minor misdemeanor. 7358

(2) Whoever violates division (C) or (D) of this section 7359
is guilty of unauthorized use of a mcgruff house symbol, a minor 7360
misdemeanor. 7361

Sec. 2923.122. (A) No person shall knowingly convey, or 7362
attempt to convey, a deadly weapon or dangerous ordnance into a 7363
school safety zone. 7364

(B) No person shall knowingly possess a deadly weapon or 7365
dangerous ordnance in a school safety zone. 7366

(C) No person shall knowingly possess an object in a 7367
school safety zone if both of the following apply: 7368

(1) The object is indistinguishable from a firearm, 7369
whether or not the object is capable of being fired. 7370

(2) The person indicates that the person possesses the 7371
object and that it is a firearm, or the person knowingly 7372
displays or brandishes the object and indicates that it is a 7373
firearm. 7374

(D) (1) This section does not apply to any of the 7375
following: 7376

(a) An officer, agent, or employee of this or any other 7377

state or the United States who is authorized to carry deadly 7378
weapons or dangerous ordnance and is acting within the scope of 7379
the officer's, agent's, or employee's duties; 7380

(b) A law enforcement officer who is authorized to carry 7381
deadly weapons or dangerous ordnance; 7382

(c) A security officer employed by a board of education or 7383
governing body of a school during the time that the security 7384
officer is on duty pursuant to that contract of employment; 7385

(d) Any person not described in divisions (D) (1) (a) to (c) 7386
of this section who has written authorization from the board of 7387
education or governing body of a school to convey deadly weapons 7388
or dangerous ordnance into a school safety zone or to possess a 7389
deadly weapon or dangerous ordnance in a school safety zone and 7390
who conveys or possesses the deadly weapon or dangerous ordnance 7391
in accordance with that authorization, provided both of the 7392
following apply: 7393

(i) Either the person has successfully completed the 7394
curriculum, instruction, and training established under section 7395
5502.703 of the Revised Code, or the person has received a 7396
certificate of having satisfactorily completed an approved basic 7397
peace officer training program or is a law enforcement officer; 7398

(ii) The board or governing body has notified the public, 7399
by whatever means the affected school regularly communicates 7400
with the public, that the board or governing body has authorized 7401
one or more persons to go armed within a school operated by the 7402
board or governing authority. 7403

A district board or school governing body that authorizes 7404
a person under division (D) (1) (d) of this section shall require 7405
that person to submit to an annual criminal records check 7406

conducted in the same manner as section 3319.39 or 3319.391 of 7407
the Revised Code. 7408

(e) Any person who is employed in this state, who is 7409
authorized to carry deadly weapons or dangerous ordnance, and 7410
who is subject to and in compliance with the requirements of 7411
section 109.801 of the Revised Code, unless the appointing 7412
authority of the person has expressly specified that the 7413
exemption provided in division (D) (1) (e) of this section does 7414
not apply to the person. 7415

(2) Division (C) of this section does not apply to 7416
premises upon which home schooling is conducted. Division (C) of 7417
this section also does not apply to a school administrator, 7418
teacher, or employee who possesses an object that is 7419
indistinguishable from a firearm for legitimate school purposes 7420
during the course of employment, a student who uses an object 7421
that is indistinguishable from a firearm under the direction of 7422
a school administrator, teacher, or employee, or any other 7423
person who with the express prior approval of a school 7424
administrator possesses an object that is indistinguishable from 7425
a firearm for a legitimate purpose, including the use of the 7426
object in a ceremonial activity, a play, reenactment, or other 7427
dramatic presentation, school safety training, or a ROTC 7428
activity or another similar use of the object. 7429

(3) This section does not apply to a person who conveys or 7430
attempts to convey a handgun into, or possesses a handgun in, a 7431
school safety zone if, at the time of that conveyance, attempted 7432
conveyance, or possession of the handgun, all of the following 7433
apply: 7434

(a) The person does not enter into a school building or 7435
onto school premises and is not at a school activity. 7436

(b) The person has been issued a concealed handgun license 7437
that is valid at the time of the conveyance, attempted 7438
conveyance, or possession or the person is an active duty member 7439
of the armed forces of the United States and is carrying a valid 7440
military identification card and documentation of successful 7441
completion of firearms training that meets or exceeds the 7442
training requirements described in division (G)(1) of section 7443
2923.125 of the Revised Code. 7444

(c) The person is in the school safety zone in accordance 7445
with 18 U.S.C. 922(q)(2)(B). 7446

(d) The person is not knowingly in a place described in 7447
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 7448
Revised Code. 7449

(4) This section does not apply to a person who conveys or 7450
attempts to convey a handgun into, or possesses a handgun in, a 7451
school safety zone if at the time of that conveyance, attempted 7452
conveyance, or possession of the handgun all of the following 7453
apply: 7454

(a) The person has been issued a concealed handgun license 7455
that is valid at the time of the conveyance, attempted 7456
conveyance, or possession or the person is an active duty member 7457
of the armed forces of the United States and is carrying a valid 7458
military identification card and documentation of successful 7459
completion of firearms training that meets or exceeds the 7460
training requirements described in division (G)(1) of section 7461
2923.125 of the Revised Code. 7462

(b) The person leaves the handgun in a motor vehicle. 7463

(c) The handgun does not leave the motor vehicle. 7464

(d) If the person exits the motor vehicle, the person 7465

locks the motor vehicle. 7466

(E) (1) Whoever violates division (A) or (B) of this 7467
section is guilty of illegal conveyance or possession of a 7468
deadly weapon or dangerous ordnance in a school safety zone. 7469
Except as otherwise provided in this division, illegal 7470
conveyance or possession of a deadly weapon or dangerous 7471
ordnance in a school safety zone is a felony of the fifth 7472
degree. If the offender previously has been convicted of a 7473
violation of this section, illegal conveyance or possession of a 7474
deadly weapon or dangerous ordnance in a school safety zone is a 7475
felony of the fourth degree. 7476

(2) Whoever violates division (C) of this section is 7477
guilty of illegal possession of an object indistinguishable from 7478
a firearm in a school safety zone. Except as otherwise provided 7479
in this division, illegal possession of an object 7480
indistinguishable from a firearm in a school safety zone is a 7481
misdemeanor of the first degree. If the offender previously has 7482
been convicted of a violation of this section, illegal 7483
possession of an object indistinguishable from a firearm in a 7484
school safety zone is a felony of the fifth degree. 7485

(F) (1) In addition to any other penalty imposed upon a 7486
person who is convicted of or pleads guilty to a violation of 7487
this section and subject to division (F) (2) of this section, if 7488
the offender has not attained nineteen years of age, regardless 7489
of whether the offender is attending or is enrolled in a school 7490
operated by a board of education or for which the ~~state board~~ 7491
director of education and workforce prescribes minimum standards 7492
under section 3301.07 of the Revised Code, the court shall 7493
impose upon the offender a class four suspension of the 7494
offender's probationary driver's license, restricted license, 7495

driver's license, commercial driver's license, temporary 7496
instruction permit, or probationary commercial driver's license 7497
that then is in effect from the range specified in division (A) 7498
(4) of section 4510.02 of the Revised Code and shall deny the 7499
offender the issuance of any permit or license of that type 7500
during the period of the suspension. 7501

If the offender is not a resident of this state, the court 7502
shall impose a class four suspension of the nonresident 7503
operating privilege of the offender from the range specified in 7504
division (A) (4) of section 4510.02 of the Revised Code. 7505

(2) If the offender shows good cause why the court should 7506
not suspend one of the types of licenses, permits, or privileges 7507
specified in division (F) (1) of this section or deny the 7508
issuance of one of the temporary instruction permits specified 7509
in that division, the court in its discretion may choose not to 7510
impose the suspension, revocation, or denial required in that 7511
division, but the court, in its discretion, instead may require 7512
the offender to perform community service for a number of hours 7513
determined by the court. 7514

(G) As used in this section, "object that is 7515
indistinguishable from a firearm" means an object made, 7516
constructed, or altered so that, to a reasonable person without 7517
specialized training in firearms, the object appears to be a 7518
firearm. 7519

Sec. 2925.01. As used in this chapter: 7520

(A) "Administer," "controlled substance," "controlled 7521
substance analog," "dispense," "distribute," "hypodermic," 7522
"manufacturer," "official written order," "person," 7523
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 7524

"schedule III," "schedule IV," "schedule V," and "wholesaler" 7525
have the same meanings as in section 3719.01 of the Revised 7526
Code. 7527

(B) "Drug dependent person" and "drug of abuse" have the 7528
same meanings as in section 3719.011 of the Revised Code. 7529

(C) "Drug," "dangerous drug," "licensed health 7530
professional authorized to prescribe drugs," and "prescription" 7531
have the same meanings as in section 4729.01 of the Revised 7532
Code. 7533

(D) "Bulk amount" of a controlled substance means any of 7534
the following: 7535

(1) For any compound, mixture, preparation, or substance 7536
included in schedule I, schedule II, or schedule III, with the 7537
exception of any controlled substance analog, marihuana, 7538
cocaine, L.S.D., heroin, any fentanyl-related compound, and 7539
hashish and except as provided in division (D) (2), (5), or (6) 7540
of this section, whichever of the following is applicable: 7541

(a) An amount equal to or exceeding ten grams or twenty- 7542
five unit doses of a compound, mixture, preparation, or 7543
substance that is or contains any amount of a schedule I opiate 7544
or opium derivative; 7545

(b) An amount equal to or exceeding ten grams of a 7546
compound, mixture, preparation, or substance that is or contains 7547
any amount of raw or gum opium; 7548

(c) An amount equal to or exceeding thirty grams or ten 7549
unit doses of a compound, mixture, preparation, or substance 7550
that is or contains any amount of a schedule I hallucinogen 7551
other than tetrahydrocannabinol or lysergic acid amide, or a 7552
schedule I stimulant or depressant; 7553

(d) An amount equal to or exceeding twenty grams or five 7554
times the maximum daily dose in the usual dose range specified 7555
in a standard pharmaceutical reference manual of a compound, 7556
mixture, preparation, or substance that is or contains any 7557
amount of a schedule II opiate or opium derivative; 7558

(e) An amount equal to or exceeding five grams or ten unit 7559
doses of a compound, mixture, preparation, or substance that is 7560
or contains any amount of phencyclidine; 7561

(f) An amount equal to or exceeding one hundred twenty 7562
grams or thirty times the maximum daily dose in the usual dose 7563
range specified in a standard pharmaceutical reference manual of 7564
a compound, mixture, preparation, or substance that is or 7565
contains any amount of a schedule II stimulant that is in a 7566
final dosage form manufactured by a person authorized by the 7567
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 7568
U.S.C.A. 301, as amended, and the federal drug abuse control 7569
laws, as defined in section 3719.01 of the Revised Code, that is 7570
or contains any amount of a schedule II depressant substance or 7571
a schedule II hallucinogenic substance; 7572

(g) An amount equal to or exceeding three grams of a 7573
compound, mixture, preparation, or substance that is or contains 7574
any amount of a schedule II stimulant, or any of its salts or 7575
isomers, that is not in a final dosage form manufactured by a 7576
person authorized by the Federal Food, Drug, and Cosmetic Act 7577
and the federal drug abuse control laws. 7578

(2) An amount equal to or exceeding one hundred twenty 7579
grams or thirty times the maximum daily dose in the usual dose 7580
range specified in a standard pharmaceutical reference manual of 7581
a compound, mixture, preparation, or substance that is or 7582
contains any amount of a schedule III or IV substance other than 7583

an anabolic steroid or a schedule III opiate or opium 7584
derivative; 7585

(3) An amount equal to or exceeding twenty grams or five 7586
times the maximum daily dose in the usual dose range specified 7587
in a standard pharmaceutical reference manual of a compound, 7588
mixture, preparation, or substance that is or contains any 7589
amount of a schedule III opiate or opium derivative; 7590

(4) An amount equal to or exceeding two hundred fifty 7591
milliliters or two hundred fifty grams of a compound, mixture, 7592
preparation, or substance that is or contains any amount of a 7593
schedule V substance; 7594

(5) An amount equal to or exceeding two hundred solid 7595
dosage units, sixteen grams, or sixteen milliliters of a 7596
compound, mixture, preparation, or substance that is or contains 7597
any amount of a schedule III anabolic steroid; 7598

(6) For any compound, mixture, preparation, or substance 7599
that is a combination of a fentanyl-related compound and any 7600
other compound, mixture, preparation, or substance included in 7601
schedule III, schedule IV, or schedule V, if the defendant is 7602
charged with a violation of section 2925.11 of the Revised Code 7603
and the sentencing provisions set forth in divisions (C)(10)(b) 7604
and (C)(11) of that section will not apply regarding the 7605
defendant and the violation, the bulk amount of the controlled 7606
substance for purposes of the violation is the amount specified 7607
in division (D)(1), (2), (3), (4), or (5) of this section for 7608
the other schedule III, IV, or V controlled substance that is 7609
combined with the fentanyl-related compound. 7610

(E) "Unit dose" means an amount or unit of a compound, 7611
mixture, or preparation containing a controlled substance that 7612

is separately identifiable and in a form that indicates that it 7613
is the amount or unit by which the controlled substance is 7614
separately administered to or taken by an individual. 7615

(F) "Cultivate" includes planting, watering, fertilizing, 7616
or tilling. 7617

(G) "Drug abuse offense" means any of the following: 7618

(1) A violation of division (A) of section 2913.02 that 7619
constitutes theft of drugs, or a violation of section 2925.02, 7620
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 7621
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 7622
or 2925.37 of the Revised Code; 7623

(2) A violation of an existing or former law of this or 7624
any other state or of the United States that is substantially 7625
equivalent to any section listed in division (G)(1) of this 7626
section; 7627

(3) An offense under an existing or former law of this or 7628
any other state, or of the United States, of which planting, 7629
cultivating, harvesting, processing, making, manufacturing, 7630
producing, shipping, transporting, delivering, acquiring, 7631
possessing, storing, distributing, dispensing, selling, inducing 7632
another to use, administering to another, using, or otherwise 7633
dealing with a controlled substance is an element; 7634

(4) A conspiracy to commit, attempt to commit, or 7635
complicity in committing or attempting to commit any offense 7636
under division (G)(1), (2), or (3) of this section. 7637

(H) "Felony drug abuse offense" means any drug abuse 7638
offense that would constitute a felony under the laws of this 7639
state, any other state, or the United States. 7640

(I) "Harmful intoxicant" does not include beer or 7641
intoxicating liquor but means any of the following: 7642

(1) Any compound, mixture, preparation, or substance the 7643
gas, fumes, or vapor of which when inhaled can induce 7644
intoxication, excitement, giddiness, irrational behavior, 7645
depression, stupefaction, paralysis, unconsciousness, 7646
asphyxiation, or other harmful physiological effects, and 7647
includes, but is not limited to, any of the following: 7648

(a) Any volatile organic solvent, plastic cement, model 7649
cement, fingernail polish remover, lacquer thinner, cleaning 7650
fluid, gasoline, or other preparation containing a volatile 7651
organic solvent; 7652

(b) Any aerosol propellant; 7653

(c) Any fluorocarbon refrigerant; 7654

(d) Any anesthetic gas. 7655

(2) Gamma Butyrolactone; 7656

(3) 1,4 Butanediol. 7657

(J) "Manufacture" means to plant, cultivate, harvest, 7658
process, make, prepare, or otherwise engage in any part of the 7659
production of a drug, by propagation, extraction, chemical 7660
synthesis, or compounding, or any combination of the same, and 7661
includes packaging, repackaging, labeling, and other activities 7662
incident to production. 7663

(K) "Possess" or "possession" means having control over a 7664
thing or substance, but may not be inferred solely from mere 7665
access to the thing or substance through ownership or occupation 7666
of the premises upon which the thing or substance is found. 7667

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" 7696
if the offender commits the offense on school premises, in a 7697
school building, or within one thousand feet of the boundaries 7698
of any school premises, regardless of whether the offender knows 7699
the offense is being committed on school premises, in a school 7700
building, or within one thousand feet of the boundaries of any 7701
school premises. 7702

(Q) "School" means any school operated by a board of 7703
education, any community school established under Chapter 3314. 7704
of the Revised Code, or any nonpublic school for which the ~~state-~~ 7705
~~board~~ director of education and workforce prescribes minimum 7706
standards under section 3301.07 of the Revised Code, whether or 7707
not any instruction, extracurricular activities, or training 7708
provided by the school is being conducted at the time a criminal 7709
offense is committed. 7710

(R) "School premises" means either of the following: 7711

(1) The parcel of real property on which any school is 7712
situated, whether or not any instruction, extracurricular 7713
activities, or training provided by the school is being 7714
conducted on the premises at the time a criminal offense is 7715
committed; 7716

(2) Any other parcel of real property that is owned or 7717
leased by a board of education of a school, the governing 7718
authority of a community school established under Chapter 3314. 7719
of the Revised Code, or the governing body of a nonpublic school 7720
for which the ~~state board~~ director of education and workforce 7721
prescribes minimum standards under section 3301.07 of the 7722
Revised Code and on which some of the instruction, 7723
extracurricular activities, or training of the school is 7724
conducted, whether or not any instruction, extracurricular 7725

activities, or training provided by the school is being 7726
conducted on the parcel of real property at the time a criminal 7727
offense is committed. 7728

(S) "School building" means any building in which any of 7729
the instruction, extracurricular activities, or training 7730
provided by a school is conducted, whether or not any 7731
instruction, extracurricular activities, or training provided by 7732
the school is being conducted in the school building at the time 7733
a criminal offense is committed. 7734

(T) "Disciplinary counsel" means the disciplinary counsel 7735
appointed by the board of commissioners on grievances and 7736
discipline of the supreme court under the Rules for the 7737
Government of the Bar of Ohio. 7738

(U) "Certified grievance committee" means a duly 7739
constituted and organized committee of the Ohio state bar 7740
association or of one or more local bar associations of the 7741
state of Ohio that complies with the criteria set forth in Rule 7742
V, section 6 of the Rules for the Government of the Bar of Ohio. 7743

(V) "Professional license" means any license, permit, 7744
certificate, registration, qualification, admission, temporary 7745
license, temporary permit, temporary certificate, or temporary 7746
registration that is described in divisions (W)(1) to (37) of 7747
this section and that qualifies a person as a professionally 7748
licensed person. 7749

(W) "Professionally licensed person" means any of the 7750
following: 7751

(1) A person who has received a certificate or temporary 7752
certificate as a certified public accountant or who has 7753
registered as a public accountant under Chapter 4701. of the 7754

Revised Code and who holds an Ohio permit issued under that chapter; 7755
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(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code; 7757
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(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 7760
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(4) A person licensed under Chapter 4707. of the Revised Code; 7763
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(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 7765
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(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 7768
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(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 7771
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(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation 7782
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permit, a limited resident's license, a limited teaching 7784
license, a dental hygienist's license, or a dental hygienist's 7785
teacher's certificate under Chapter 4715. of the Revised Code; 7786

(9) A person who has been issued an embalmer's license, a 7787
funeral director's license, a funeral home license, or a 7788
crematory license, or who has been registered for an embalmer's 7789
or funeral director's apprenticeship under Chapter 4717. of the 7790
Revised Code; 7791

(10) A person who has been licensed as a registered nurse 7792
or practical nurse, or who has been issued a certificate for the 7793
practice of nurse-midwifery under Chapter 4723. of the Revised 7794
Code; 7795

(11) A person who has been licensed to practice optometry 7796
or to engage in optical dispensing under Chapter 4725. of the 7797
Revised Code; 7798

(12) A person licensed to act as a pawnbroker under 7799
Chapter 4727. of the Revised Code; 7800

(13) A person licensed to act as a precious metals dealer 7801
under Chapter 4728. of the Revised Code; 7802

(14) A person licensed under Chapter 4729. of the Revised 7803
Code as a pharmacist or pharmacy intern or registered under that 7804
chapter as a registered pharmacy technician, certified pharmacy 7805
technician, or pharmacy technician trainee; 7806

(15) A person licensed under Chapter 4729. of the Revised 7807
Code as a manufacturer of dangerous drugs, outsourcing facility, 7808
third-party logistics provider, repackager of dangerous drugs, 7809
wholesale distributor of dangerous drugs, or terminal 7810
distributor of dangerous drugs; 7811

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	7812 7813
(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;	7814 7815 7816 7817 7818
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	7819 7820
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	7821 7822 7823
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	7824 7825
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	7826 7827
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	7828 7829
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	7830 7831
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	7832 7833
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	7834 7835
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under	7836 7837 7838

Chapter 4741. of the Revised Code;	7839
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	7840 7841 7842
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	7843 7844 7845
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	7846 7847
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	7848 7849 7850
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	7851 7852 7853
(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;	7854 7855 7856 7857 7858 7859
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	7860 7861
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	7862 7863 7864
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	7865 7866

- (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 7867
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- (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 7869
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- (X) "Cocaine" means any of the following: 7872
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 7873
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- (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; 7875
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- (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. 7879
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7882
7883
7884
- (Y) "L.S.D." means lysergic acid diethylamide. 7885
- (Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 7886
7887
- (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. 7888
7889
7890
- (2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 7891
7892
- "Hashish" does not include a hemp byproduct in the 7893

possession of a licensed hemp processor under Chapter 928. of 7894
the Revised Code, provided that the hemp byproduct is being 7895
produced, stored, and disposed of in accordance with rules 7896
adopted under section 928.03 of the Revised Code. 7897

(AA) "Marihuana" has the same meaning as in section 7898
3719.01 of the Revised Code, except that it does not include 7899
hashish. 7900

(BB) An offense is "committed in the vicinity of a 7901
juvenile" if the offender commits the offense within one hundred 7902
feet of a juvenile or within the view of a juvenile, regardless 7903
of whether the offender knows the age of the juvenile, whether 7904
the offender knows the offense is being committed within one 7905
hundred feet of or within view of the juvenile, or whether the 7906
juvenile actually views the commission of the offense. 7907

(CC) "Presumption for a prison term" or "presumption that 7908
a prison term shall be imposed" means a presumption, as 7909
described in division (D) of section 2929.13 of the Revised 7910
Code, that a prison term is a necessary sanction for a felony in 7911
order to comply with the purposes and principles of sentencing 7912
under section 2929.11 of the Revised Code. 7913

(DD) "Major drug offender" has the same meaning as in 7914
section 2929.01 of the Revised Code. 7915

(EE) "Minor drug possession offense" means either of the 7916
following: 7917

(1) A violation of section 2925.11 of the Revised Code as 7918
it existed prior to July 1, 1996; 7919

(2) A violation of section 2925.11 of the Revised Code as 7920
it exists on and after July 1, 1996, that is a misdemeanor or a 7921
felony of the fifth degree. 7922

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	7923 7924
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	7925 7926
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	7927 7928 7929
(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.	7930 7931 7932 7933 7934
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	7935 7936
(KK) "Fentanyl-related compound" means any of the following:	7937 7938
(1) Fentanyl;	7939
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	7940 7941 7942
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	7943 7944
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	7945 7946
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	7947 7948 7949

- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 7950
7951
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 7952
7953
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 7954
7955
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 7956
7957
- (10) Alfentanil; 7958
- (11) Carfentanil; 7959
- (12) Remifentanil; 7960
- (13) Sufentanil; 7961
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 7962
7963
- (15) Any compound that meets all of the following fentanyl 7964
pharmacophore requirements to bind at the mu receptor, as 7965
identified by a report from an established forensic laboratory, 7966
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 7967
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 7968
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 7969
fluorofentanyl: 7970
- (a) A chemical scaffold consisting of both of the 7971
following: 7972
- (i) A five, six, or seven member ring structure containing 7973
a nitrogen, whether or not further substituted; 7974
- (ii) An attached nitrogen to the ring, whether or not that 7975
nitrogen is enclosed in a ring structure, including an attached 7976

aromatic ring or other lipophilic group to that nitrogen. 7977

(b) A polar functional group attached to the chemical 7978
scaffold, including but not limited to a hydroxyl, ketone, 7979
amide, or ester; 7980

(c) An alkyl or aryl substitution off the ring nitrogen of 7981
the chemical scaffold; and 7982

(d) The compound has not been approved for medical use by 7983
the United States food and drug administration. 7984

(LL) "First degree felony mandatory prison term" means one 7985
of the definite prison terms prescribed in division (A) (1) (b) of 7986
section 2929.14 of the Revised Code for a felony of the first 7987
degree, except that if the violation for which sentence is being 7988
imposed is committed on or after March 22, 2019, it means one of 7989
the minimum prison terms prescribed in division (A) (1) (a) of 7990
that section for a felony of the first degree. 7991

(MM) "Second degree felony mandatory prison term" means 7992
one of the definite prison terms prescribed in division (A) (2) 7993
(b) of section 2929.14 of the Revised Code for a felony of the 7994
second degree, except that if the violation for which sentence 7995
is being imposed is committed on or after March 22, 2019, it 7996
means one of the minimum prison terms prescribed in division (A) 7997
(2) (a) of that section for a felony of the second degree. 7998

(NN) "Maximum first degree felony mandatory prison term" 7999
means the maximum definite prison term prescribed in division 8000
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 8001
the first degree, except that if the violation for which 8002
sentence is being imposed is committed on or after March 22, 8003
2019, it means the longest minimum prison term prescribed in 8004
division (A) (1) (a) of that section for a felony of the first 8005

degree. 8006

(OO) "Maximum second degree felony mandatory prison term" 8007
means the maximum definite prison term prescribed in division 8008
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 8009
the second degree, except that if the violation for which 8010
sentence is being imposed is committed on or after March 22, 8011
2019, it means the longest minimum prison term prescribed in 8012
division (A) (2) (a) of that section for a felony of the second 8013
degree. 8014

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 8015
as in section 928.01 of the Revised Code. 8016

(QQ) An offense is "committed in the vicinity of a 8017
substance addiction services provider or a recovering addict" if 8018
either of the following apply: 8019

(1) The offender commits the offense on the premises of a 8020
substance addiction services provider's facility, including a 8021
facility licensed prior to June 29, 2019, under section 5119.391 8022
of the Revised Code to provide methadone treatment or an opioid 8023
treatment program licensed on or after that date under section 8024
5119.37 of the Revised Code, or within five hundred feet of the 8025
premises of a substance addiction services provider's facility 8026
and the offender knows or should know that the offense is being 8027
committed within the vicinity of the substance addiction 8028
services provider's facility. 8029

(2) The offender sells, offers to sell, delivers, or 8030
distributes the controlled substance or controlled substance 8031
analog to a person who is receiving treatment at the time of the 8032
commission of the offense, or received treatment within thirty 8033
days prior to the commission of the offense, from a substance 8034

addiction services provider and the offender knows that the 8035
person is receiving or received that treatment. 8036

(RR) "Substance addiction services provider" means an 8037
agency, association, corporation or other legal entity, 8038
individual, or program that provides one or more of the 8039
following at a facility: 8040

(1) Either alcohol addiction services, or drug addiction 8041
services, or both such services that are certified by the 8042
director of mental health and addiction services under section 8043
5119.36 of the Revised Code; 8044

(2) Recovery supports that are related to either alcohol 8045
addiction services, or drug addiction services, or both such 8046
services and paid for with federal, state, or local funds 8047
administered by the department of mental health and addiction 8048
services or a board of alcohol, drug addiction, and mental 8049
health services. 8050

(SS) "Premises of a substance addiction services 8051
provider's facility" means the parcel of real property on which 8052
any substance addiction service provider's facility is situated. 8053

(TT) "Alcohol and drug addiction services" has the same 8054
meaning as in section 5119.01 of the Revised Code. 8055

Sec. 2950.11. (A) Regardless of when the sexually oriented 8056
offense or child-victim oriented offense was committed, if a 8057
person is convicted of, pleads guilty to, has been convicted of, 8058
or has pleaded guilty to a sexually oriented offense or a child- 8059
victim oriented offense or a person is or has been adjudicated a 8060
delinquent child for committing a sexually oriented offense or a 8061
child-victim oriented offense and is classified a juvenile 8062
offender registrant or is an out-of-state juvenile offender 8063

registrant based on that adjudication, and if the offender or 8064
delinquent child is in any category specified in division (F) (1) 8065
(a), (b), or (c) of this section, the sheriff with whom the 8066
offender or delinquent child has most recently registered under 8067
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 8068
the sheriff to whom the offender or delinquent child most 8069
recently sent a notice of intent to reside under section 2950.04 8070
or 2950.041 of the Revised Code, within the period of time 8071
specified in division (C) of this section, shall provide a 8072
written notice containing the information set forth in division 8073
(B) of this section to all of the persons described in divisions 8074
(A) (1) to (10) of this section. If the sheriff has sent a notice 8075
to the persons described in those divisions as a result of 8076
receiving a notice of intent to reside and if the offender or 8077
delinquent child registers a residence address that is the same 8078
residence address described in the notice of intent to reside, 8079
the sheriff is not required to send an additional notice when 8080
the offender or delinquent child registers. The sheriff shall 8081
provide the notice to all of the following persons: 8082

(1) (a) Any occupant of each residential unit that is 8083
located within one thousand feet of the offender's or delinquent 8084
child's residential premises, that is located within the county 8085
served by the sheriff, and that is not located in a multi-unit 8086
building. Division (D) (3) of this section applies regarding 8087
notices required under this division. 8088

(b) If the offender or delinquent child resides in a 8089
multi-unit building, any occupant of each residential unit that 8090
is located in that multi-unit building and that shares a common 8091
hallway with the offender or delinquent child. For purposes of 8092
this division, an occupant's unit shares a common hallway with 8093
the offender or delinquent child if the entrance door into the 8094

occupant's unit is located on the same floor and opens into the 8095
same hallway as the entrance door to the unit the offender or 8096
delinquent child occupies. Division (D) (3) of this section 8097
applies regarding notices required under this division. 8098

(c) The building manager, or the person the building owner 8099
or condominium unit owners association authorizes to exercise 8100
management and control, of each multi-unit building that is 8101
located within one thousand feet of the offender's or delinquent 8102
child's residential premises, including a multi-unit building in 8103
which the offender or delinquent child resides, and that is 8104
located within the county served by the sheriff. In addition to 8105
notifying the building manager or the person authorized to 8106
exercise management and control in the multi-unit building under 8107
this division, the sheriff shall post a copy of the notice 8108
prominently in each common entryway in the building and any 8109
other location in the building the sheriff determines 8110
appropriate. The manager or person exercising management and 8111
control of the building shall permit the sheriff to post copies 8112
of the notice under this division as the sheriff determines 8113
appropriate. In lieu of posting copies of the notice as 8114
described in this division, a sheriff may provide notice to all 8115
occupants of the multi-unit building by mail or personal 8116
contact; if the sheriff so notifies all the occupants, the 8117
sheriff is not required to post copies of the notice in the 8118
common entryways to the building. Division (D) (3) of this 8119
section applies regarding notices required under this division. 8120

(d) All additional persons who are within any category of 8121
neighbors of the offender or delinquent child that the attorney 8122
general by rule adopted under section 2950.13 of the Revised 8123
Code requires to be provided the notice and who reside within 8124
the county served by the sheriff; 8125

(2) The executive director of the public children services 8126
agency that has jurisdiction within the specified geographical 8127
notification area and that is located within the county served 8128
by the sheriff; 8129

(3) (a) The superintendent of each board of education of a 8130
school district that has schools within the specified 8131
geographical notification area and that is located within the 8132
county served by the sheriff; 8133

(b) The principal of the school within the specified 8134
geographical notification area and within the county served by 8135
the sheriff that the delinquent child attends; 8136

(c) If the delinquent child attends a school outside of 8137
the specified geographical notification area or outside of the 8138
school district where the delinquent child resides, the 8139
superintendent of the board of education of a school district 8140
that governs the school that the delinquent child attends and 8141
the principal of the school that the delinquent child attends. 8142

(4) (a) The appointing or hiring officer of each chartered 8143
nonpublic school located within the specified geographical 8144
notification area and within the county served by the sheriff or 8145
of each other school located within the specified geographical 8146
notification area and within the county served by the sheriff 8147
and that is not operated by a board of education described in 8148
division (A) (3) of this section; 8149

(b) Regardless of the location of the school, the 8150
appointing or hiring officer of a chartered nonpublic school 8151
that the delinquent child attends. 8152

(5) The director, head teacher, elementary principal, or 8153
site administrator of each preschool program governed by Chapter 8154

3301. of the Revised Code that is located within the specified 8155
geographical notification area and within the county served by 8156
the sheriff; 8157

(6) The administrator of each child day-care center or 8158
type A family day-care home that is located within the specified 8159
geographical notification area and within the county served by 8160
the sheriff, and each holder of a license to operate a type B 8161
family day-care home that is located within the specified 8162
geographical notification area and within the county served by 8163
the sheriff. As used in this division, "child day-care center," 8164
"type A family day-care home," and "type B family day-care home" 8165
have the same meanings as in section 5104.01 of the Revised 8166
Code. 8167

(7) The president or other chief administrative officer of 8168
each institution of higher education, as defined in section 8169
2907.03 of the Revised Code, that is located within the 8170
specified geographical notification area and within the county 8171
served by the sheriff, and the chief law enforcement officer of 8172
the state university law enforcement agency or campus police 8173
department established under section 3345.04 or 1713.50 of the 8174
Revised Code, if any, that serves that institution; 8175

(8) The sheriff of each county that includes any portion 8176
of the specified geographical notification area; 8177

(9) If the offender or delinquent child resides within the 8178
county served by the sheriff, the chief of police, marshal, or 8179
other chief law enforcement officer of the municipal corporation 8180
in which the offender or delinquent child resides or, if the 8181
offender or delinquent child resides in an unincorporated area, 8182
the constable or chief of the police department or police 8183
district police force of the township in which the offender or 8184

delinquent child resides; 8185

(10) Volunteer organizations in which contact with minors 8186
or other vulnerable individuals might occur or any organization, 8187
company, or individual who requests notification as provided in 8188
division (J) of this section. 8189

(B) The notice required under division (A) of this section 8190
shall include all of the following information regarding the 8191
subject offender or delinquent child: 8192

(1) The offender's or delinquent child's name; 8193

(2) The address or addresses of the offender's or public 8194
registry-qualified juvenile offender registrant's residence, 8195
school, institution of higher education, or place of employment, 8196
as applicable, or the residence address or addresses of a 8197
delinquent child who is not a public registry-qualified juvenile 8198
offender registrant; 8199

(3) The sexually oriented offense or child-victim oriented 8200
offense of which the offender was convicted, to which the 8201
offender pleaded guilty, or for which the child was adjudicated 8202
a delinquent child; 8203

(4) A statement that identifies the category specified in 8204
division (F)(1)(a), (b), or (c) of this section that includes 8205
the offender or delinquent child and that subjects the offender 8206
or delinquent child to this section; 8207

(5) The offender's or delinquent child's photograph. 8208

(C) If a sheriff with whom an offender or delinquent child 8209
registers under section 2950.04, 2950.041, or 2950.05 of the 8210
Revised Code or to whom the offender or delinquent child most 8211
recently sent a notice of intent to reside under section 2950.04 8212

or 2950.041 of the Revised Code is required by division (A) of 8213
this section to provide notices regarding an offender or 8214
delinquent child and if, pursuant to that requirement, the 8215
sheriff provides a notice to a sheriff of one or more other 8216
counties in accordance with division (A) (8) of this section, the 8217
sheriff of each of the other counties who is provided notice 8218
under division (A) (8) of this section shall provide the notices 8219
described in divisions (A) (1) to (7) and (A) (9) and (10) of this 8220
section to each person or entity identified within those 8221
divisions that is located within the specified geographical 8222
notification area and within the county served by the sheriff in 8223
question. 8224

(D) (1) A sheriff required by division (A) or (C) of this 8225
section to provide notices regarding an offender or delinquent 8226
child shall provide the notice to the neighbors that are 8227
described in division (A) (1) of this section and the notices to 8228
law enforcement personnel that are described in divisions (A) (8) 8229
and (9) of this section as soon as practicable, but no later 8230
than five days after the offender sends the notice of intent to 8231
reside to the sheriff and again no later than five days after 8232
the offender or delinquent child registers with the sheriff or, 8233
if the sheriff is required by division (C) of this section to 8234
provide the notices, no later than five days after the sheriff 8235
is provided the notice described in division (A) (8) of this 8236
section. 8237

A sheriff required by division (A) or (C) of this section 8238
to provide notices regarding an offender or delinquent child 8239
shall provide the notices to all other specified persons that 8240
are described in divisions (A) (2) to (7) and (A) (10) of this 8241
section as soon as practicable, but not later than seven days 8242
after the offender or delinquent child registers with the 8243

sheriff or, if the sheriff is required by division (C) of this 8244
section to provide the notices, no later than five days after 8245
the sheriff is provided the notice described in division (A) (8) 8246
of this section. 8247

(2) If an offender or delinquent child in relation to whom 8248
division (A) of this section applies verifies the offender's or 8249
delinquent child's current residence, school, institution of 8250
higher education, or place of employment address, as applicable, 8251
with a sheriff pursuant to section 2950.06 of the Revised Code, 8252
the sheriff may provide a written notice containing the 8253
information set forth in division (B) of this section to the 8254
persons identified in divisions (A) (1) to (10) of this section. 8255
If a sheriff provides a notice pursuant to this division to the 8256
sheriff of one or more other counties in accordance with 8257
division (A) (8) of this section, the sheriff of each of the 8258
other counties who is provided the notice under division (A) (8) 8259
of this section may provide, but is not required to provide, a 8260
written notice containing the information set forth in division 8261
(B) of this section to the persons identified in divisions (A) 8262
(1) to (7) and (A) (9) and (10) of this section. 8263

(3) A sheriff may provide notice under division (A) (1) (a) 8264
or (b) of this section, and may provide notice under division 8265
(A) (1) (c) of this section to a building manager or person 8266
authorized to exercise management and control of a building, by 8267
mail, by personal contact, or by leaving the notice at or under 8268
the entry door to a residential unit. For purposes of divisions 8269
(A) (1) (a) and (b) of this section, and the portion of division 8270
(A) (1) (c) of this section relating to the provision of notice to 8271
occupants of a multi-unit building by mail or personal contact, 8272
the provision of one written notice per unit is deemed as 8273
providing notice to all occupants of that unit. 8274

(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 (c) of this section.

(F) (1) Except as provided in division (F) (2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the

Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense 8334
for which sentence is to be imposed or the order of disposition 8335
is to be made; 8336

(d) Whether the sexually oriented offense for which 8337
sentence is to be imposed or the order of disposition is to be 8338
made involved multiple victims; 8339

(e) Whether the offender or delinquent child used drugs or 8340
alcohol to impair the victim of the sexually oriented offense or 8341
to prevent the victim from resisting; 8342

(f) If the offender or delinquent child previously has 8343
been convicted of or pleaded guilty to, or been adjudicated a 8344
delinquent child for committing an act that if committed by an 8345
adult would be, a criminal offense, whether the offender or 8346
delinquent child completed any sentence or dispositional order 8347
imposed for the prior offense or act and, if the prior offense 8348
or act was a sex offense or a sexually oriented offense, whether 8349
the offender or delinquent child participated in available 8350
programs for sexual offenders; 8351

(g) Any mental illness or mental disability of the 8352
offender or delinquent child; 8353

(h) The nature of the offender's or delinquent child's 8354
sexual conduct, sexual contact, or interaction in a sexual 8355
context with the victim of the sexually oriented offense and 8356
whether the sexual conduct, sexual contact, or interaction in a 8357
sexual context was part of a demonstrated pattern of abuse; 8358

(i) Whether the offender or delinquent child, during the 8359
commission of the sexually oriented offense for which sentence 8360
is to be imposed or the order of disposition is to be made, 8361
displayed cruelty or made one or more threats of cruelty; 8362

(j) Whether the offender or delinquent child would have 8363
been a habitual sex offender or a habitual child victim offender 8364
under the definitions of those terms set forth in section 8365
2950.01 of the Revised Code as that section existed prior to 8366
January 1, 2008; 8367

(k) Any additional behavioral characteristics that 8368
contribute to the offender's or delinquent child's conduct. 8369

(G)(1) The department of job and family services shall 8370
compile, maintain, and update in January and July of each year, 8371
a list of all agencies, centers, or homes of a type described in 8372
division (A)(2) or (6) of this section that contains the name of 8373
each agency, center, or home of that type, the county in which 8374
it is located, its address and telephone number, and the name of 8375
an administrative officer or employee of the agency, center, or 8376
home. 8377

(2) The department of education and workforce shall 8378
compile, maintain, and update in January and July of each year, 8379
a list of all boards of education, schools, or programs of a 8380
type described in division (A)(3), (4), or (5) of this section 8381
that contains the name of each board of education, school, or 8382
program of that type, the county in which it is located, its 8383
address and telephone number, the name of the superintendent of 8384
the board or of an administrative officer or employee of the 8385
school or program, and, in relation to a board of education, the 8386
county or counties in which each of its schools is located and 8387
the address of each such school. 8388

(3) The ~~Ohio board of regents~~ chancellor of higher 8389
education shall compile, maintain, and update in January and 8390
July of each year, a list of all institutions of a type 8391
described in division (A)(7) of this section that contains the 8392

name of each such institution, the county in which it is 8393
located, its address and telephone number, and the name of its 8394
president or other chief administrative officer. 8395

(4) A sheriff required by division (A) or (C) of this 8396
section, or authorized by division (D)(2) of this section, to 8397
provide notices regarding an offender or delinquent child, or a 8398
designee of a sheriff of that type, may request the department 8399
of job and family services, ~~department of education, or Ohio~~ 8400
~~board of regents and workforce, or chancellor~~ by telephone, in 8401
person, or by mail, to provide the sheriff or designee with the 8402
names, addresses, and telephone numbers of the appropriate 8403
persons and entities to whom the notices described in divisions 8404
(A)(2) to (7) of this section are to be provided. Upon receipt 8405
of a request, the department ~~or board~~ shall provide the 8406
requesting sheriff or designee with the names, addresses, and 8407
telephone numbers of the appropriate persons and entities to 8408
whom those notices are to be provided. 8409

(H)(1) Upon the motion of the offender or the prosecuting 8410
attorney of the county in which the offender was convicted of or 8411
pleaded guilty to the sexually oriented offense or child-victim 8412
oriented offense for which the offender is subject to community 8413
notification under this section, or upon the motion of the 8414
sentencing judge or that judge's successor in office, the judge 8415
may schedule a hearing to determine whether the interests of 8416
justice would be served by suspending the community notification 8417
requirement under this section in relation to the offender. The 8418
judge may dismiss the motion without a hearing but may not issue 8419
an order suspending the community notification requirement 8420
without a hearing. At the hearing, all parties are entitled to 8421
be heard, and the judge shall consider all of the factors set 8422
forth in division (K) of this section. If, at the conclusion of 8423

the hearing, the judge finds that the offender has proven by 8424
clear and convincing evidence that the offender is unlikely to 8425
commit in the future a sexually oriented offense or a child- 8426
victim oriented offense and if the judge finds that suspending 8427
the community notification requirement is in the interests of 8428
justice, the judge may suspend the application of this section 8429
in relation to the offender. The order shall contain both of 8430
these findings. 8431

The judge promptly shall serve a copy of the order upon 8432
the sheriff with whom the offender most recently registered 8433
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 8434
and upon the bureau of criminal identification and 8435
investigation. 8436

An order suspending the community notification requirement 8437
does not suspend or otherwise alter an offender's duties to 8438
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8439
the Revised Code and does not suspend the victim notification 8440
requirement under section 2950.10 of the Revised Code. 8441

(2) A prosecuting attorney, a sentencing judge or that 8442
judge's successor in office, and an offender who is subject to 8443
the community notification requirement under this section may 8444
initially make a motion under division (H)(1) of this section 8445
upon the expiration of twenty years after the offender's duty to 8446
comply with division (A)(2), (3), or (4) of section 2950.04, 8447
division (A)(2), (3), or (4) of section 2950.041 and sections 8448
2950.05 and 2950.06 of the Revised Code begins in relation to 8449
the offense for which the offender is subject to community 8450
notification. After the initial making of a motion under 8451
division (H)(1) of this section, thereafter, the prosecutor, 8452
judge, and offender may make a subsequent motion under that 8453

division upon the expiration of five years after the judge has 8454
entered an order denying the initial motion or the most recent 8455
motion made under that division. 8456

(3) The offender and the prosecuting attorney have the 8457
right to appeal an order approving or denying a motion made 8458
under division (H) (1) of this section. 8459

(4) Divisions (H) (1) to (3) of this section do not apply 8460
to any of the following types of offender: 8461

(a) A person who is convicted of or pleads guilty to a 8462
violent sex offense or designated homicide, assault, or 8463
kidnapping offense and who, in relation to that offense, is 8464
adjudicated a sexually violent predator; 8465

(b) A person who is convicted of or pleads guilty to a 8466
sexually oriented offense that is a violation of division (A) (1) 8467
(b) of section 2907.02 of the Revised Code committed on or after 8468
January 2, 2007, and either who is sentenced under section 8469
2971.03 of the Revised Code or upon whom a sentence of life 8470
without parole is imposed under division (B) of section 2907.02 8471
of the Revised Code; 8472

(c) A person who is convicted of or pleads guilty to a 8473
sexually oriented offense that is attempted rape committed on or 8474
after January 2, 2007, and who also is convicted of or pleads 8475
guilty to a specification of the type described in section 8476
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 8477

(d) A person who is convicted of or pleads guilty to an 8478
offense described in division (B) (3) (a), (b), (c), or (d) of 8479
section 2971.03 of the Revised Code and who is sentenced for 8480
that offense pursuant to that division; 8481

(e) An offender who is in a category specified in division 8482

(F) (1) (a), (b), or (c) of this section and who, subsequent to 8483
being subjected to community notification, has pleaded guilty to 8484
or been convicted of a sexually oriented offense or child-victim 8485
oriented offense. 8486

(I) If a person is convicted of, pleads guilty to, has 8487
been convicted of, or has pleaded guilty to a sexually oriented 8488
offense or a child-victim oriented offense or a person is or has 8489
been adjudicated a delinquent child for committing a sexually 8490
oriented offense or a child-victim oriented offense and is 8491
classified a juvenile offender registrant or is an out-of-state 8492
juvenile offender registrant based on that adjudication, and if 8493
the offender or delinquent child is not in any category 8494
specified in division (F) (1) (a), (b), or (c) of this section, 8495
the sheriff with whom the offender or delinquent child has most 8496
recently registered under section 2950.04, 2950.041, or 2950.05 8497
of the Revised Code and the sheriff to whom the offender or 8498
delinquent child most recently sent a notice of intent to reside 8499
under section 2950.04 or 2950.041 of the Revised Code, within 8500
the period of time specified in division (D) of this section, 8501
shall provide a written notice containing the information set 8502
forth in division (B) of this section to the executive director 8503
of the public children services agency that has jurisdiction 8504
within the specified geographical notification area and that is 8505
located within the county served by the sheriff. 8506

(J) Each sheriff shall allow a volunteer organization or 8507
other organization, company, or individual who wishes to receive 8508
the notice described in division (A) (10) of this section 8509
regarding a specific offender or delinquent child or notice 8510
regarding all offenders and delinquent children who are located 8511
in the specified geographical notification area to notify the 8512
sheriff by electronic mail or through the sheriff's web site of 8513

this election. The sheriff shall promptly inform the bureau of 8514
criminal identification and investigation of these requests in 8515
accordance with the forwarding procedures adopted by the 8516
attorney general pursuant to section 2950.13 of the Revised 8517
Code. 8518

(K) In making a determination under division (H) (1) of 8519
this section as to whether to suspend the community notification 8520
requirement under this section for an offender, the judge shall 8521
consider all relevant factors, including, but not limited to, 8522
all of the following: 8523

(1) The offender's age; 8524

(2) The offender's prior criminal or delinquency record 8525
regarding all offenses, including, but not limited to, all 8526
sexually oriented offenses or child-victim oriented offenses; 8527

(3) The age of the victim of the sexually oriented offense 8528
or child-victim oriented offense the offender committed; 8529

(4) Whether the sexually oriented offense or child-victim 8530
oriented offense the offender committed involved multiple 8531
victims; 8532

(5) Whether the offender used drugs or alcohol to impair 8533
the victim of the sexually oriented offense or child-victim 8534
oriented offense the offender committed or to prevent the victim 8535
from resisting; 8536

(6) If the offender previously has been convicted of, 8537
pleaded guilty to, or been adjudicated a delinquent child for 8538
committing an act that if committed by an adult would be a 8539
criminal offense, whether the offender completed any sentence or 8540
dispositional order imposed for the prior offense or act and, if 8541
the prior offense or act was a sexually oriented offense or a 8542

child-victim oriented offense, whether the offender or 8543
delinquent child participated in available programs for sex 8544
offenders or child-victim offenders; 8545

(7) Any mental illness or mental disability of the 8546
offender; 8547

(8) The nature of the offender's sexual conduct, sexual 8548
contact, or interaction in a sexual context with the victim of 8549
the sexually oriented offense the offender committed or the 8550
nature of the offender's interaction in a sexual context with 8551
the victim of the child-victim oriented offense the offender 8552
committed, whichever is applicable, and whether the sexual 8553
conduct, sexual contact, or interaction in a sexual context was 8554
part of a demonstrated pattern of abuse; 8555

(9) Whether the offender, during the commission of the 8556
sexually oriented offense or child-victim oriented offense the 8557
offender committed, displayed cruelty or made one or more 8558
threats of cruelty; 8559

(10) Any additional behavioral characteristics that 8560
contribute to the offender's conduct. 8561

(L) As used in this section, "specified geographical 8562
notification area" means the geographic area or areas within 8563
which the attorney general, by rule adopted under section 8564
2950.13 of the Revised Code, requires the notice described in 8565
division (B) of this section to be given to the persons 8566
identified in divisions (A)(2) to (8) of this section. 8567

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 8568
of the Revised Code or as otherwise provided in division ~~(A)(1)~~ 8569
~~(d)~~ (A)(1)(c) of this section, an eligible offender may apply to 8570
the sentencing court if convicted in this state, or to a court 8571

of common pleas if convicted in another state or in a federal 8572
court, for the sealing of the record of the case that pertains 8573
to the conviction, except for convictions listed under section 8574
2953.36 of the Revised Code. Application may be made at one of 8575
the following times: 8576

(a) At the expiration of three years after the offender's 8577
final discharge if convicted of a felony of the third degree, so 8578
long as none of the offenses is a violation of section 2921.43 8579
of the Revised Code; 8580

(b) At the expiration of one year after the offender's 8581
final discharge if convicted of a felony of the fourth or fifth 8582
degree or a misdemeanor, so long as none of the offenses is a 8583
violation of section 2921.43 of the Revised Code; 8584

(c) At the expiration of seven years after the offender's 8585
final discharge if the record includes a conviction of 8586
soliciting improper compensation in violation of section 2921.43 8587
of the Revised Code. 8588

(2) Any person who has been arrested for any misdemeanor 8589
offense and who has effected a bail forfeiture for the offense 8590
charged may apply to the court in which the misdemeanor criminal 8591
case was pending when bail was forfeited for the sealing of the 8592
record of the case that pertains to the charge. Except as 8593
provided in section 2953.61 of the Revised Code, the application 8594
may be filed at any time after the expiration of one year from 8595
the date on which the bail forfeiture was entered upon the 8596
minutes of the court or the journal, whichever entry occurs 8597
first. 8598

(B) Upon the filing of an application under this section, 8599
the court shall set a date for a hearing and shall notify the 8600

prosecutor for the case of the hearing on the application. The 8601
prosecutor may object to the granting of the application by 8602
filing an objection with the court prior to the date set for the 8603
hearing. The prosecutor shall specify in the objection the 8604
reasons for believing a denial of the application is justified. 8605
The court shall direct its regular probation officer, a state 8606
probation officer, or the department of probation of the county 8607
in which the applicant resides to make inquiries and written 8608
reports as the court requires concerning the applicant. The 8609
probation officer or county department of probation that the 8610
court directs to make inquiries concerning the applicant shall 8611
determine whether or not the applicant was fingerprinted at the 8612
time of arrest or under section 109.60 of the Revised Code. If 8613
the applicant was so fingerprinted, the probation officer or 8614
county department of probation shall include with the written 8615
report a record of the applicant's fingerprints. If the 8616
applicant was convicted of or pleaded guilty to a violation of 8617
division (A) (2) or (B) of section 2919.21 of the Revised Code, 8618
the probation officer or county department of probation that the 8619
court directed to make inquiries concerning the applicant shall 8620
contact the child support enforcement agency enforcing the 8621
applicant's obligations under the child support order to inquire 8622
about the offender's compliance with the child support order. 8623

(C) (1) The court shall do each of the following: 8624

(a) Determine whether the applicant is an eligible 8625
offender or whether the forfeiture of bail was agreed to by the 8626
applicant and the prosecutor in the case. If the applicant 8627
applies as an eligible offender pursuant to division (A) (1) of 8628
this section and has two or three convictions that result from 8629
the same indictment, information, or complaint, from the same 8630
plea of guilty, or from the same official proceeding, and result 8631

from related criminal acts that were committed within a three- 8632
month period but do not result from the same act or from 8633
offenses committed at the same time, in making its determination 8634
under this division, the court initially shall determine whether 8635
it is not in the public interest for the two or three 8636
convictions to be counted as one conviction. If the court 8637
determines that it is not in the public interest for the two or 8638
three convictions to be counted as one conviction, the court 8639
shall determine that the applicant is not an eligible offender; 8640
if the court does not make that determination, the court shall 8641
determine that the offender is an eligible offender. 8642

(b) Determine whether criminal proceedings are pending 8643
against the applicant; 8644

(c) If the applicant is an eligible offender who applies 8645
pursuant to division (A) (1) of this section, determine whether 8646
the applicant has been rehabilitated to the satisfaction of the 8647
court; 8648

(d) If the prosecutor has filed an objection in accordance 8649
with division (B) of this section, consider the reasons against 8650
granting the application specified by the prosecutor in the 8651
objection; 8652

(e) Weigh the interests of the applicant in having the 8653
records pertaining to the applicant's conviction or bail 8654
forfeiture sealed against the legitimate needs, if any, of the 8655
government to maintain those records; 8656

(f) If the applicant is an eligible offender of the type 8657
described in division (A) (3) of section 2953.36 of the Revised 8658
Code, determine whether the offender has been rehabilitated to a 8659
satisfactory degree. In making the determination, the court may 8660

consider all of the following: 8661

- (i) The age of the offender; 8662
- (ii) The facts and circumstances of the offense; 8663
- (iii) The cessation or continuation of criminal behavior; 8664
- (iv) The education and employment of the offender; 8665
- (v) Any other circumstances that may relate to the 8666
offender's rehabilitation. 8667

(2) If the court determines, after complying with division 8668
(C) (1) of this section, that the applicant is an eligible 8669
offender or the subject of a bail forfeiture, that no criminal 8670
proceeding is pending against the applicant, that the interests 8671
of the applicant in having the records pertaining to the 8672
applicant's conviction or bail forfeiture sealed are not 8673
outweighed by any legitimate governmental needs to maintain 8674
those records, and that the rehabilitation of an applicant who 8675
is an eligible offender applying pursuant to division (A) (1) of 8676
this section has been attained to the satisfaction of the court, 8677
the court, except as provided in division (C) (4), (G), (H), or 8678
(I) of this section, shall order all official records of the 8679
case that pertain to the conviction or bail forfeiture sealed 8680
and, except as provided in division (F) of this section, all 8681
index references to the case that pertain to the conviction or 8682
bail forfeiture deleted and, in the case of bail forfeitures, 8683
shall dismiss the charges in the case. The proceedings in the 8684
case that pertain to the conviction or bail forfeiture shall be 8685
considered not to have occurred and the conviction or bail 8686
forfeiture of the person who is the subject of the proceedings 8687
shall be sealed, except that upon conviction of a subsequent 8688
offense, the sealed record of prior conviction or bail 8689

forfeiture may be considered by the court in determining the 8690
sentence or other appropriate disposition, including the relief 8691
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8692

(3) An applicant may request the sealing of the records of 8693
more than one case in a single application under this section. 8694
Upon the filing of an application under this section, the 8695
applicant, unless indigent, shall pay a fee of fifty dollars, 8696
regardless of the number of records the application requests to 8697
have sealed. The court shall pay thirty dollars of the fee into 8698
the state treasury, with fifteen dollars of that amount credited 8699
to the attorney general reimbursement fund created by section 8700
109.11 of the Revised Code. It shall pay twenty dollars of the 8701
fee into the county general revenue fund if the sealed 8702
conviction or bail forfeiture was pursuant to a state statute, 8703
or into the general revenue fund of the municipal corporation 8704
involved if the sealed conviction or bail forfeiture was 8705
pursuant to a municipal ordinance. 8706

(4) If the court orders the official records pertaining to 8707
the case sealed, the court shall do one of the following: 8708

(a) If the applicant was fingerprinted at the time of 8709
arrest or under section 109.60 of the Revised Code and the 8710
record of the applicant's fingerprints was provided to the court 8711
under division (B) of this section, forward a copy of the 8712
sealing order and the record of the applicant's fingerprints to 8713
the bureau of criminal identification and investigation. 8714

(b) If the applicant was not fingerprinted at the time of 8715
arrest or under section 109.60 of the Revised Code, or the 8716
record of the applicant's fingerprints was not provided to the 8717
court under division (B) of this section, but fingerprinting was 8718
required for the offense, order the applicant to appear before a 8719

sheriff to have the applicant's fingerprints taken according to 8720
the fingerprint system of identification on the forms furnished 8721
by the superintendent of the bureau of criminal identification 8722
and investigation. The sheriff shall forward the applicant's 8723
fingerprints to the court. The court shall forward the 8724
applicant's fingerprints and a copy of the sealing order to the 8725
bureau of criminal identification and investigation. 8726

Failure of the court to order fingerprints at the time of 8727
sealing does not constitute a reversible error. 8728

(D) Inspection of the sealed records included in the order 8729
may be made only by the following persons or for the following 8730
purposes: 8731

(1) By a law enforcement officer or prosecutor, or the 8732
assistants of either, to determine whether the nature and 8733
character of the offense with which a person is to be charged 8734
would be affected by virtue of the person's previously having 8735
been convicted of a crime; 8736

(2) By the parole or probation officer of the person who 8737
is the subject of the records, for the exclusive use of the 8738
officer in supervising the person while on parole or under a 8739
community control sanction or a post-release control sanction, 8740
and in making inquiries and written reports as requested by the 8741
court or adult parole authority; 8742

(3) Upon application by the person who is the subject of 8743
the records, by the persons named in the application; 8744

(4) By a law enforcement officer who was involved in the 8745
case, for use in the officer's defense of a civil action arising 8746
out of the officer's involvement in that case; 8747

(5) By a prosecuting attorney or the prosecuting 8748

attorney's assistants, to determine a defendant's eligibility to 8749
enter a pre-trial diversion program established pursuant to 8750
section 2935.36 of the Revised Code; 8751

(6) By any law enforcement agency or any authorized 8752
employee of a law enforcement agency or by the department of 8753
rehabilitation and correction or department of youth services as 8754
part of a background investigation of a person who applies for 8755
employment with the agency or with the department; 8756

(7) By any law enforcement agency or any authorized 8757
employee of a law enforcement agency, for the purposes set forth 8758
in, and in the manner provided in, section 2953.321 of the 8759
Revised Code; 8760

(8) By the bureau of criminal identification and 8761
investigation or any authorized employee of the bureau for the 8762
purpose of providing information to a board or person pursuant 8763
to division (F) or (G) of section 109.57 of the Revised Code; 8764

(9) By the bureau of criminal identification and 8765
investigation or any authorized employee of the bureau for the 8766
purpose of performing a criminal history records check on a 8767
person to whom a certificate as prescribed in section 109.77 of 8768
the Revised Code is to be awarded; 8769

(10) By the bureau of criminal identification and 8770
investigation or any authorized employee of the bureau for the 8771
purpose of conducting a criminal records check of an individual 8772
pursuant to division (B) of section 109.572 of the Revised Code 8773
that was requested pursuant to any of the sections identified in 8774
division (B) (1) of that section; 8775

(11) By the bureau of criminal identification and 8776
investigation, an authorized employee of the bureau, a sheriff, 8777

or an authorized employee of a sheriff in connection with a 8778
criminal records check described in section 311.41 of the 8779
Revised Code; 8780

(12) By the attorney general or an authorized employee of 8781
the attorney general or a court for purposes of determining a 8782
person's classification pursuant to Chapter 2950. of the Revised 8783
Code; 8784

(13) By a court, the registrar of motor vehicles, a 8785
prosecuting attorney or the prosecuting attorney's assistants, 8786
or a law enforcement officer for the purpose of assessing points 8787
against a person under section 4510.036 of the Revised Code or 8788
for taking action with regard to points assessed. 8789

When the nature and character of the offense with which a 8790
person is to be charged would be affected by the information, it 8791
may be used for the purpose of charging the person with an 8792
offense. 8793

(E) In any criminal proceeding, proof of any otherwise 8794
admissible prior conviction may be introduced and proved, 8795
notwithstanding the fact that for any such prior conviction an 8796
order of sealing previously was issued pursuant to sections 8797
2953.31 to 2953.36 of the Revised Code. 8798

(F) The person or governmental agency, office, or 8799
department that maintains sealed records pertaining to 8800
convictions or bail forfeitures that have been sealed pursuant 8801
to this section may maintain a manual or computerized index to 8802
the sealed records. The index shall contain only the name of, 8803
and alphanumeric identifiers that relate to, the persons who are 8804
the subject of the sealed records, the word "sealed," and the 8805
name of the person, agency, office, or department that has 8806

custody of the sealed records, and shall not contain the name of 8807
the crime committed. The index shall be made available by the 8808
person who has custody of the sealed records only for the 8809
purposes set forth in divisions (C), (D), and (E) of this 8810
section. 8811

(G) Notwithstanding any provision of this section or 8812
section 2953.33 of the Revised Code that requires otherwise, a 8813
board of education of a city, local, exempted village, or joint 8814
vocational school district that maintains records of an 8815
individual who has been permanently excluded under sections 8816
3301.121 and 3313.662 of the Revised Code is permitted to 8817
maintain records regarding a conviction that was used as the 8818
basis for the individual's permanent exclusion, regardless of a 8819
court order to seal the record. An order issued under this 8820
section to seal the record of a conviction does not revoke the 8821
adjudication order of the ~~superintendent of public instruction~~ 8822
director of education and workforce to permanently exclude the 8823
individual who is the subject of the sealing order. An order 8824
issued under this section to seal the record of a conviction of 8825
an individual may be presented to a district superintendent as 8826
evidence to support the contention that the superintendent 8827
should recommend that the permanent exclusion of the individual 8828
who is the subject of the sealing order be revoked. Except as 8829
otherwise authorized by this division and sections 3301.121 and 8830
3313.662 of the Revised Code, any school employee in possession 8831
of or having access to the sealed conviction records of an 8832
individual that were the basis of a permanent exclusion of the 8833
individual is subject to section 2953.35 of the Revised Code. 8834

(H) Notwithstanding any provision of this section or 8835
section 2953.33 of the Revised Code that requires otherwise, if 8836
the auditor of state or a prosecutor maintains records, reports, 8837

or audits of an individual who has been forever disqualified 8838
from holding public office, employment, or position of trust in 8839
this state under sections 2921.41 and 2921.43 of the Revised 8840
Code, or has otherwise been convicted of an offense based upon 8841
the records, reports, or audits of the auditor of state, the 8842
auditor of state or prosecutor is permitted to maintain those 8843
records to the extent they were used as the basis for the 8844
individual's disqualification or conviction, and shall not be 8845
compelled by court order to seal those records. 8846

(I) For purposes of sections 2953.31 to 2953.36 of the 8847
Revised Code, DNA records collected in the DNA database and 8848
fingerprints filed for record by the superintendent of the 8849
bureau of criminal identification and investigation shall not be 8850
sealed unless the superintendent receives a certified copy of a 8851
final court order establishing that the offender's conviction 8852
has been overturned. For purposes of this section, a court order 8853
is not "final" if time remains for an appeal or application for 8854
discretionary review with respect to the order. 8855

(J) The sealing of a record under this section does not 8856
affect the assessment of points under section 4510.036 of the 8857
Revised Code and does not erase points assessed against a person 8858
as a result of the sealed record. 8859

Sec. 3301.01. (A) There is hereby created the state board 8860
of education consisting of nineteen members with eleven elected 8861
members, one each to be elected in accordance with section 8862
3301.03 of the Revised Code from each of the districts 8863
established in accordance with division (B) of this section, and 8864
with eight members to be appointed by the governor with the 8865
advice and consent of the senate. 8866

In addition to the nineteen elected or appointed members, 8867

the chairperson of the committee of the senate that primarily 8868
deals with education and the chairperson of the committee of the 8869
house of representatives that primarily deals with education 8870
shall be nonvoting ex officio members of the board. 8871

(B) (1) The territory of each state board of education 8872
district for each elected voting member of the board shall 8873
consist of the territory of three contiguous senate districts as 8874
established in the most recent apportionment for members of the 8875
general assembly, but the territory of no senate district shall 8876
be part of the territory of more than one state board of 8877
education district. Each state board of education district shall 8878
be as compact as practicable. The districts shall include, when 8879
practicable, some districts that primarily consist of territory 8880
in rural areas and some districts that primarily consist of 8881
territory in urban areas. 8882

(2) If, after the apportionment for members of the general 8883
assembly is made in any year, the general assembly does not 8884
during that year enact legislation establishing state board of 8885
education districts in accordance with division (B) (1) of this 8886
section, the governor shall designate the boundaries of the 8887
districts in accordance with division (B) (1) of this section no 8888
later than the thirty-first day of January of the year next 8889
succeeding such apportionment. Upon making such designation, the 8890
governor shall give written notice of the boundaries of the 8891
districts to each member of the state board of education, 8892
including the nonvoting ex officio members; the superintendent 8893
of public instruction; the director of education and workforce; 8894
the president of the senate; the speaker of the house of 8895
representatives; and the board of elections of each county in 8896
each new district. On the first day of February in any year in 8897
which the governor designates the boundaries of state board of 8898

education districts under this section, the state board of 8899
education districts as they existed prior to that date shall 8900
cease to exist and the new districts shall be created. 8901

Sec. 3301.07. ~~The state board~~ director of education and 8902
workforce shall exercise under the acts of the general assembly 8903
general supervision of the system of public education in the 8904
state. In addition to the powers otherwise imposed on the ~~state~~ 8905
~~board~~ director under the provisions of law, the ~~board~~ director 8906
shall have the powers described in this section. 8907

(A) ~~The state board~~ director shall exercise policy 8908
forming, planning, and evaluative functions for the public 8909
schools of the state except as otherwise provided by law. 8910

(B) (1) ~~The state board~~ director shall exercise leadership 8911
in the improvement of public education in this state, and 8912
administer the educational policies of this state relating to 8913
public schools, and relating to instruction and instructional 8914
material, building and equipment, transportation of pupils, 8915
administrative responsibilities of school officials and 8916
personnel, and finance and organization of school districts, 8917
educational service centers, and territory. Consultative and 8918
advisory services in such matters shall be provided by the ~~board~~ 8919
department of education and workforce to school districts and 8920
educational service centers of this state. 8921

(2) ~~The state board~~ director also shall develop a standard 8922
of financial reporting which shall be used by each school 8923
district board of education and each governing board of an 8924
educational service center, each governing authority of a 8925
community school established under Chapter 3314., each governing 8926
body of a STEM school established under Chapter ~~3328.~~ 3326., and 8927
each board of trustees of a college-preparatory boarding school 8928

established under Chapter 3328. of the Revised Code to make its 8929
financial information and annual budgets for each school 8930
building under its control available to the public in a format 8931
understandable by the average citizen. The format shall show, 8932
both at the district and at the school building level, revenue 8933
by source; expenditures for salaries, wages, and benefits of 8934
employees, showing such amounts separately for classroom 8935
teachers, other employees required to hold licenses issued 8936
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 8937
all other employees; expenditures other than for personnel, by 8938
category, including utilities, textbooks and other educational 8939
materials, equipment, permanent improvements, pupil 8940
transportation, extracurricular athletics, and other 8941
extracurricular activities; and per pupil expenditures. The 8942
format shall also include information on total revenue and 8943
expenditures, per pupil revenue, and expenditures for both 8944
classroom and nonclassroom purposes, as defined by the standards 8945
adopted under section 3302.20 of the Revised Code in the 8946
aggregate and for each subgroup of students, as defined by 8947
section 3317.40 of the Revised Code, that receives services 8948
provided for by state or federal funding. 8949

(3) Each school district board, governing authority, 8950
governing body, or board of trustees, or its respective 8951
designee, shall annually report, to the ~~department of education,~~ 8952
all financial information required by the standards for 8953
financial reporting, as prescribed by division (B) (2) of this 8954
section and adopted by the ~~state board~~ director. The department 8955
shall make all reports submitted pursuant to this division 8956
available in such a way that allows for comparison between 8957
financial information included in these reports and financial 8958
information included in reports produced prior to July 1, 2013. 8959

The department shall post these reports in a prominent location 8960
on its web site and shall notify each school when reports are 8961
made available. 8962

(C) ~~The state board~~ director shall administer and 8963
supervise the allocation and distribution of all state and 8964
federal funds for public school education under the provisions 8965
of law, and may prescribe such systems of accounting as are 8966
necessary and proper to this function. It may require county 8967
auditors and treasurers, boards of education, educational 8968
service center governing boards, treasurers of such boards, 8969
teachers, and other school officers and employees, or other 8970
public officers or employees, to file with it such reports as it 8971
may prescribe relating to such funds, or to the management and 8972
condition of such funds. 8973

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 8974
XLVII, and LI of the Revised Code a reference is made to 8975
standards prescribed under this section or division (D) of this 8976
section, that reference shall be construed to refer to the 8977
standards prescribed under division (D) (2) of this section, 8978
unless the context specifically indicates a different meaning or 8979
intent. 8980

(2) ~~The state board~~ director shall formulate and prescribe 8981
minimum standards to be applied to all elementary and secondary 8982
schools in this state for the purpose of providing children 8983
access to a general education of high quality according to the 8984
learning needs of each individual, including students with 8985
disabilities, economically disadvantaged students, English 8986
learners, and students identified as gifted. Such standards 8987
shall provide adequately for: ~~the licensing of a requirement~~ 8988
that teachers, administrators, and other professional personnel 8989

~~be licensed by the state board of education and their assignment~~ 8990
assigned according to training and qualifications; efficient and 8991
effective instructional materials and equipment, including 8992
library facilities; the proper organization, administration, and 8993
supervision of each school, including regulations for preparing 8994
all necessary records and reports and the preparation of a 8995
statement of policies and objectives for each school; the 8996
provision of safe buildings, grounds, health and sanitary 8997
facilities and services; admission of pupils, and such 8998
requirements for their promotion from grade to grade as will 8999
assure that they are capable and prepared for the level of study 9000
to which they are certified; requirements for graduation; and 9001
such other factors as the ~~board~~ director finds necessary. 9002

The ~~state board~~ director shall base any standards 9003
governing the promotion of students or requirements for 9004
graduation on the ability of students, at any grade level, to 9005
earn credits or advance upon demonstration of mastery of 9006
knowledge and skills through competency-based learning models. 9007
Credits of grade level advancement shall not require a minimum 9008
number of days or hours in a classroom. 9009

The ~~state board~~ director shall base any standards 9010
governing the assignment of staff on ensuring each school has a 9011
sufficient number of teachers to ensure a student has an 9012
appropriate level of interaction to meet each student's personal 9013
learning goals. 9014

In the formulation and administration of such standards 9015
for nonpublic schools the ~~board~~ director shall also consider the 9016
particular needs, methods and objectives of those schools, 9017
provided they do not conflict with the provision of a general 9018
education of a high quality and provided that regular procedures 9019

shall be followed for promotion from grade to grade of pupils 9020
who have met the educational requirements prescribed. 9021

(3) In addition to the minimum standards required by 9022
division (D) (2) of this section, the ~~state board~~ director may 9023
formulate and prescribe the following additional minimum 9024
operating standards for school districts: 9025

(a) Standards for the effective and efficient 9026
organization, administration, and supervision of each school 9027
district with a commitment to high expectations for every 9028
student based on the learning needs of each individual, 9029
including students with disabilities, economically disadvantaged 9030
students, English learners, and students identified as gifted, 9031
and commitment to closing the achievement gap without 9032
suppressing the achievement levels of higher achieving students 9033
so that all students achieve core knowledge and skills in 9034
accordance with the statewide academic standards adopted under 9035
section 3301.079 of the Revised Code; 9036

(b) Standards for the establishment of business advisory 9037
councils under section 3313.82 of the Revised Code; 9038

(c) Standards for school district buildings that may 9039
require the effective and efficient organization, 9040
administration, and supervision of each school district building 9041
with a commitment to high expectations for every student based 9042
on the learning needs of each individual, including students 9043
with disabilities, economically disadvantaged students, English 9044
learners, and students identified as gifted, and commitment to 9045
closing the achievement gap without suppressing the achievement 9046
levels of higher achieving students so that all students achieve 9047
core knowledge and skills in accordance with the statewide 9048
academic standards adopted under section 3301.079 of the Revised 9049

Code. 9050

(E) ~~The state board~~ director may require as part of the 9051
health curriculum information developed under section 2108.34 of 9052
the Revised Code promoting the donation of anatomical gifts 9053
pursuant to Chapter 2108. of the Revised Code and may provide 9054
the information to high schools, educational service centers, 9055
and joint vocational school district boards of education; 9056

(F) ~~The state board~~ director shall prepare and submit 9057
annually to the governor and the general assembly a report on 9058
the status, needs, and major problems of the public schools of 9059
the state, with recommendations for necessary legislative action 9060
and a ten-year projection of the state's public and nonpublic 9061
school enrollment, by year and by grade level. 9062

(G) ~~The state board~~ director shall prepare and submit to 9063
the director of budget and management the biennial budgetary 9064
requests of the ~~state board of education, for~~ department and its 9065
~~agencies~~ divisions and for the public schools of the state. 9066

(H) ~~The state board~~ director shall cooperate with federal, 9067
state, and local agencies concerned with the health and welfare 9068
of children and youth of the state. 9069

(I) ~~The state board~~ director shall require such reports 9070
from school districts and educational service centers, school 9071
officers, and employees as are necessary and desirable. The 9072
superintendents and treasurers of school districts and 9073
educational service centers shall certify as to the accuracy of 9074
all reports required by statutory law or ~~state board or state~~ 9075
~~department of education~~ director's rules to be submitted by the 9076
district or educational service center and which contain 9077
information necessary for calculation of state funding. Any 9078

superintendent who knowingly falsifies such report shall be 9079
subject to license revocation pursuant to section 3319.31 of the 9080
Revised Code. 9081

(J) In accordance with Chapter 119. of the Revised Code, 9082
~~the state board~~ director shall adopt procedures, standards, and 9083
guidelines for the education of children with disabilities 9084
pursuant to Chapter 3323. of the Revised Code, including 9085
procedures, standards, and guidelines governing programs and 9086
services operated by county boards of developmental disabilities 9087
pursuant to section 3323.09 of the Revised Code. 9088

(K) For the purpose of encouraging the development of 9089
special programs of education for academically gifted children, 9090
~~the state board~~ director shall employ competent persons to 9091
analyze and publish data, promote research, advise and counsel 9092
with boards of education, and encourage the training of teachers 9093
in the special instruction of gifted children. ~~The board~~ 9094
director may provide financial assistance out of any funds 9095
appropriated for this purpose to boards of education and 9096
educational service center governing boards for developing and 9097
conducting programs of education for academically gifted 9098
children. 9099

(L) ~~The state board~~ director shall require that all public 9100
schools emphasize and encourage, within existing units of study, 9101
the teaching of energy and resource conservation as recommended 9102
to each district board of education by leading business persons 9103
involved in energy production and conservation, beginning in the 9104
primary grades. 9105

(M) ~~The state board~~ director shall formulate and prescribe 9106
minimum standards requiring the use of phonics as a technique in 9107
the teaching of reading in grades kindergarten through three. In 9108

addition, the ~~state board~~ director shall provide in-service 9109
training programs for teachers on the use of phonics as a 9110
technique in the teaching of reading in grades kindergarten 9111
through three. 9112

(N) The ~~state board~~ director may adopt rules necessary for 9113
carrying out any function imposed on ~~it~~ the director by law, and 9114
may provide rules as are necessary for ~~its government~~ and the 9115
government of the department and its employees, and may delegate 9116
to ~~the superintendent of public instruction~~ any deputy director 9117
the management and administration of any function imposed on ~~it~~ 9118
the director by law. ~~It may provide for the appointment of board~~ 9119
~~members to serve on temporary committees established by the~~ 9120
~~board for such purposes as are necessary. Permanent or standing~~ 9121
~~committees shall not be created.~~ 9122

(O) Upon application from the board of education of a 9123
school district, the ~~superintendent of public instruction~~ 9124
director may issue a waiver exempting the district from 9125
compliance with the standards adopted under divisions (B) (2) and 9126
(D) of this section, as they relate to the operation of a school 9127
operated by the district. The ~~state board~~ director shall adopt 9128
standards for the approval or disapproval of waivers under this 9129
division. The ~~state superintendent~~ director shall consider every 9130
application for a waiver, and shall determine whether to grant 9131
or deny a waiver in accordance with the ~~state board's~~ those 9132
standards. For each waiver granted, the ~~state superintendent~~ 9133
director shall specify the period of time during which the 9134
waiver is in effect, which shall not exceed five years. A 9135
district board may apply to renew a waiver. 9136

Sec. 3301.071. (A) (1) In the case of nontax-supported 9137
schools, standards for teacher certification prescribed under 9138

section 3301.07 of the Revised Code shall provide for 9139
certification, without further educational requirements, of any 9140
administrator, supervisor, or teacher who has attended and 9141
received a bachelor's degree from a college or university 9142
accredited by a national or regional association in the United 9143
States except that, at the discretion of the state board of 9144
education, this requirement may be met by having an equivalent 9145
degree from a foreign college or university of comparable 9146
standing. 9147

(2) In the case of nonchartered, nontax-supported schools, 9148
the standards for teacher certification prescribed under section 9149
3301.07 of the Revised Code shall provide for certification, 9150
without further educational requirements, of any administrator, 9151
supervisor, or teacher who has attended and received a diploma 9152
from a "bible college" or "bible institute" described in 9153
division (E) of section 1713.02 of the Revised Code. 9154

(3) A certificate issued under division (A)(3) of this 9155
section shall be valid only for teaching foreign language, 9156
music, religion, computer technology, or fine arts. 9157

Notwithstanding division (A)(1) of this section, the 9158
standards for teacher certification prescribed under section 9159
3301.07 of the Revised Code shall provide for certification of a 9160
person as a teacher upon receipt by the state board of an 9161
affidavit signed by the chief administrative officer of a 9162
chartered nonpublic school seeking to employ the person, stating 9163
that the person meets one of the following conditions: 9164

(a) The person has specialized knowledge, skills, or 9165
expertise that qualifies the person to provide instruction. 9166

(b) The person has provided to the chief administrative 9167

officer evidence of at least three years of teaching experience 9168
in a public or nonpublic school. 9169

(c) The person has provided to the chief administrative 9170
officer evidence of completion of a teacher training program 9171
named in the affidavit. 9172

(B) Each person applying for a certificate under this 9173
section for purposes of serving in a nonpublic school chartered 9174
by the ~~state board~~ director of education and workforce under 9175
section 3301.16 of the Revised Code shall pay a fee in the 9176
amount established under division (A) of section 3319.51 of the 9177
Revised Code. Any fees received under this division shall be 9178
paid into the state treasury to the credit of the state board of 9179
education certification fund established under division (B) of 9180
section 3319.51 of the Revised Code. 9181

(C) A person applying for or holding any certificate 9182
pursuant to this section for purposes of serving in a nonpublic 9183
school chartered by the ~~state board~~ director is subject to 9184
sections 3123.41 to 3123.50 of the Revised Code and any 9185
applicable rules adopted under section 3123.63 of the Revised 9186
Code and sections 3319.31 and 3319.311 of the Revised Code. 9187

(D) Divisions (B) and (C) of this section and sections 9188
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 9189
to any administrators, supervisors, or teachers in nonchartered, 9190
nontax-supported schools. 9191

Sec. 3301.072. The ~~state board~~ department of education and 9192
workforce shall establish continuing programs of in-service 9193
training in school district budget and finance for 9194
superintendents of schools or their designees, business 9195
managers, members of boards of education, and treasurers of 9196

boards of education for the purpose of enhancing their 9197
background and working knowledge of government accounting, state 9198
and federal laws relating to school district budgeting and 9199
financing, financial report preparation, rules of the auditor of 9200
state, and budget and accounting management. 9201

The manner and content of each training program shall be 9202
determined and provided by the ~~state board of education~~ 9203
department after consultation with the department of taxation 9204
and the auditor of state. The ~~state board~~ department may enter 9205
into contracts with the department of taxation and the auditor 9206
of state to supply, at cost, any assistance required to enable 9207
the ~~board~~ department of education and workforce to perform its 9208
duties under this section. 9209

Each school district superintendent or ~~his~~ designee of a 9210
superintendent, treasurer or treasurer pro tempore, and business 9211
manager shall attend one training program provided under this 9212
section each year. 9213

Sec. 3301.075. The ~~state board~~ director of education and 9214
workforce shall adopt rules governing the purchasing and leasing 9215
of data processing services and equipment for all local, 9216
exempted village, city, and joint vocational school districts 9217
and all educational service centers. Such rules shall include 9218
provisions for the establishment of an Ohio education computer 9219
network under procedures, guidelines, and specifications of the 9220
department of education and workforce. 9221

The department shall administer funds appropriated for the 9222
Ohio education computer network to ensure its efficient and 9223
economical operation and shall approve no more than twenty-seven 9224
information technology centers to operate concurrently. Such 9225
centers shall be approved for funding in accordance with rules 9226

~~of the state board~~ adopted under this section that shall ~~provide~~ 9227
~~for the superintendent of public instruction to~~ require the 9228
membership of each information technology center to be composed 9229
of combinations of school districts and educational service 9230
centers having sufficient students to support an efficient, 9231
economical comprehensive program of computer services to member 9232
districts and educational service centers. However, no such rule 9233
shall prohibit a school district or educational service center 9234
from receiving computer services from any information technology 9235
center established under this section or from any other public 9236
or private vendor. Each information technology center shall be 9237
organized in accordance with section 3313.92 or Chapter 167. of 9238
the Revised Code. 9239

The department may approve and administer funding for 9240
programs to provide technical support, maintenance, consulting, 9241
and group purchasing services for information technology 9242
centers, school districts, educational service centers, and 9243
other client entities or governmental entities served in 9244
accordance with rules adopted by the department or as otherwise 9245
authorized by law, and to deliver to schools programs operated 9246
by the infOhio network and the technology solutions group of the 9247
management council of the Ohio education computer network. 9248

Sec. 3301.076. No information technology center 9249
established under section 3301.075 of the Revised Code shall be 9250
required to maintain an operating reserve account or fund or 9251
minimum cash balance. This section does not affect any sinking 9252
fund or other capital improvement fund the center may be 9253
required to maintain as a condition by law or contract relative 9254
to the issuance of securities. Any rule ~~of the state board of~~ 9255
~~education~~ or other regulation or guideline of the department of 9256
education and workforce that conflicts with this section is 9257

void. 9258

Sec. 3301.078. (A) No official or board of this state, 9259
whether appointed or elected, shall enter into any agreement or 9260
memorandum of understanding with any federal or private entity 9261
that would require the state to cede any measure of control over 9262
the development, adoption, or revision of academic content 9263
standards. 9264

(B) No funds appropriated from the general revenue fund 9265
shall be used to purchase an assessment developed by the 9266
partnership for assessment of readiness for college and careers 9267
for use as the assessments prescribed under sections 3301.0710 9268
and 3301.0712 of the Revised Code. 9269

(C) The department of education and workforce shall 9270
request that each assessment vendor contracted by the department 9271
provide an analysis explaining how questions on each of the 9272
assessments prescribed under section 3301.0710 of the Revised 9273
Code and the end-of-course examinations prescribed under 9274
division (B) (2) of section 3301.0712 of the Revised Code 9275
developed by that vendor are aligned to the academic content 9276
standards adopted under section 3301.079 of the Revised Code. 9277
The analysis shall be provided annually to all school districts 9278
and schools for all grade levels for which assessments are 9279
prescribed under sections 3301.0710 and 3301.0712 of the Revised 9280
Code. ~~The analysis shall be produced beginning with the 2019-~~ 9281
~~2020 school year and for each school year thereafter.~~ 9282

(D) The department shall request that each assessment 9283
vendor described in division (C) of this section provide 9284
information and materials to school districts and schools for 9285
assistance with the state achievement assessments. The 9286
information and materials shall include practice assessments and 9287

other preparatory materials. The information and materials shall 9288
be distributed annually to districts and schools ~~beginning with~~ 9289
~~the 2019-2020 school year and for each school year thereafter.~~ 9290

Sec. 3301.079. (A) (1) The ~~state board~~ department of 9291
education and workforce periodically shall adopt statewide 9292
academic standards with emphasis on coherence, focus, and 9293
essential knowledge and that are more challenging and demanding 9294
when compared to international standards for each of grades 9295
kindergarten through twelve in English language arts, 9296
mathematics, science, and social studies. 9297

(a) The ~~state board~~ department shall ensure that the 9298
standards do all of the following: 9299

(i) Include the essential academic content and skills that 9300
students are expected to know and be able to do at each grade 9301
level that will allow each student to be prepared for 9302
postsecondary instruction and the workplace for success in the 9303
twenty-first century; 9304

(ii) Include the development of skill sets that promote 9305
information, media, and technological literacy; 9306

(iii) Include interdisciplinary, project-based, real-world 9307
learning opportunities; 9308

(iv) Instill life-long learning by providing essential 9309
knowledge and skills based in the liberal arts tradition, as 9310
well as science, technology, engineering, mathematics, and 9311
career-technical education; 9312

(v) Be clearly written, transparent, and understandable by 9313
parents, educators, and the general public. 9314

(b) ~~Not later than July 1, 2012, the state board~~ The 9315

department shall incorporate into the social studies standards 9316
for grades four to twelve academic content regarding the 9317
original texts of the Declaration of Independence, the Northwest 9318
Ordinance, the Constitution of the United States and its 9319
amendments, with emphasis on the Bill of Rights, and the Ohio 9320
Constitution, and their original context. The ~~state board~~ 9321
department shall revise the model curricula and achievement 9322
assessments adopted under divisions (B) and (C) of this section 9323
as necessary to reflect the additional American history and 9324
American government content. The ~~state board~~ department shall 9325
make available a list of suggested grade-appropriate 9326
supplemental readings that place the documents prescribed by 9327
this division in their historical context, which teachers may 9328
use as a resource to assist students in reading the documents 9329
within that context. 9330

(c) When the ~~state board~~ department adopts or revises 9331
academic content standards in social studies, American history, 9332
American government, or science under division (A) (1) of this 9333
section, ~~the state board~~ it shall develop such standards 9334
independently and not as part of a multistate consortium. 9335

(2) After completing the standards required by division 9336
(A) (1) of this section, the ~~state board~~ department shall adopt 9337
standards and model curricula for instruction in technology, 9338
financial literacy and entrepreneurship, fine arts, and foreign 9339
language for grades kindergarten through twelve. The standards 9340
shall meet the same requirements prescribed in division (A) (1) 9341
(a) of this section. 9342

(3) The ~~state board~~ department shall adopt the most recent 9343
standards developed by the national association for sport and 9344
physical education for physical education in grades kindergarten 9345

through twelve or shall adopt its own standards for physical 9346
education in those grades and revise and update them 9347
periodically. 9348

The department ~~of education~~ shall employ a full-time 9349
physical education coordinator to provide guidance and technical 9350
assistance to districts, community schools, and STEM schools in 9351
implementing the physical education standards adopted under this 9352
division. The ~~superintendent director of public instruction~~ 9353
education and workforce shall determine that the person employed 9354
as coordinator is qualified for the position, as demonstrated by 9355
possessing an adequate combination of education, license, and 9356
experience. 9357

(4) ~~Not later than September 30, 2022, the state board~~ The 9358
department shall update the standards and model curriculum for 9359
instruction in computer science in grades kindergarten through 9360
twelve, which shall include standards for introductory and 9361
advanced computer science courses in grades nine through twelve. 9362
When developing the standards and curriculum, the ~~state board~~ 9363
department shall consider recommendations from computer science 9364
education stakeholder groups, including teachers and 9365
representatives from higher education, industry, computer 9366
science organizations in Ohio, and national computer science 9367
organizations. 9368

Any district or school may utilize the computer science 9369
standards or model curriculum or any part thereof adopted 9370
pursuant to division (A) (4) of this section. However, no 9371
district or school shall be required to utilize all or any part 9372
of the standards or curriculum. 9373

(5) When academic standards have been completed for any 9374
subject area required by this section, the ~~state board~~ 9375

department shall inform all school districts, all community 9376
schools established under Chapter 3314. of the Revised Code, all 9377
STEM schools established under Chapter 3326. of the Revised 9378
Code, and all nonpublic schools required to administer the 9379
assessments prescribed by sections 3301.0710 and 3301.0712 of 9380
the Revised Code of the content of those standards. 9381
Additionally, upon completion of any academic standards under 9382
this section, the department shall post those standards on the 9383
department's web site. 9384

(B) (1) The ~~state board~~ department shall adopt a model 9385
curriculum for instruction in each subject area for which 9386
updated academic standards are required by division (A) (1) of 9387
this section and for each of grades kindergarten through twelve 9388
that is sufficient to meet the needs of students in every 9389
community. The model curriculum shall be aligned with the 9390
standards, to ensure that the academic content and skills 9391
specified for each grade level are taught to students, and shall 9392
demonstrate vertical articulation and emphasize coherence, 9393
focus, and rigor. When any model curriculum has been completed, 9394
the ~~state board~~ department shall inform all school districts, 9395
community schools, and STEM schools of the content of that model 9396
curriculum. 9397

(2) ~~Not later than June 30, 2013, the state board, in~~ 9398
~~consultation with any office housed in the governor's office~~ 9399
~~that deals with workforce development, The department, in~~ 9400
consultation with the governor's office of workforce 9401
transformation, shall adopt model curricula for grades 9402
kindergarten through twelve that embed career connection 9403
learning strategies into regular classroom instruction. 9404

(3) All school districts, community schools, and STEM 9405

schools may utilize the state standards and the model curriculum 9406
established by the ~~state board~~department, together with other 9407
relevant resources, examples, or models to ensure that students 9408
have the opportunity to attain the academic standards. Upon 9409
request, the department shall provide technical assistance to 9410
any district, community school, or STEM school in implementing 9411
the model curriculum. 9412

Nothing in this section requires any school district to 9413
utilize all or any part of a model curriculum developed under 9414
this section. 9415

(C) The ~~state board~~department shall develop achievement 9416
assessments aligned with the academic standards and model 9417
curriculum for each of the subject areas and grade levels 9418
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 9419
the Revised Code. 9420

When any achievement assessment has been completed, the 9421
~~state board~~department shall inform all school districts, 9422
community schools, STEM schools, and nonpublic schools required 9423
to administer the assessment of its completion, and the 9424
department shall make the achievement assessment available to 9425
the districts and schools. 9426

(D) (1) The ~~state board~~department shall adopt a diagnostic 9427
assessment aligned with the academic standards and model 9428
curriculum for each of grades kindergarten through two in 9429
reading, writing, and mathematics and for grade three in reading 9430
and writing. The diagnostic assessment shall be designed to 9431
measure student comprehension of academic content and mastery of 9432
related skills for the relevant subject area and grade level. 9433
Any diagnostic assessment shall not include components to 9434
identify gifted students. Blank copies of diagnostic assessments 9435

shall be public records. 9436

(2) When each diagnostic assessment has been completed, 9437
the ~~state board~~ department shall inform all school districts of 9438
its completion and ~~the department~~ shall make the diagnostic 9439
assessment available to the districts at no cost to the 9440
district. 9441

(3) School districts shall administer the diagnostic 9442
assessment pursuant to section 3301.0715 of the Revised Code 9443
beginning the first school year following the development of the 9444
assessment. 9445

However, beginning with the 2017-2018 school year, both of 9446
the following shall apply: 9447

(a) In the case of the diagnostic assessments for grades 9448
one or two in writing or mathematics or for grade three in 9449
writing, a school district shall not be required to administer 9450
any such assessment, but may do so at the discretion of the 9451
district board; 9452

(b) In the case of any diagnostic assessment that is not 9453
for the grade levels and subject areas specified in division (D) 9454
(3) (a) of this section, each school district shall administer 9455
the assessment in the manner prescribed by section 3301.0715 of 9456
the Revised Code. 9457

(E) The ~~state board~~ department shall not adopt a 9458
diagnostic or achievement assessment for any grade level or 9459
subject area other than those specified in this section. 9460

(F) Whenever the ~~state board or the~~ department consults 9461
with persons for the purpose of drafting or reviewing any 9462
standards, diagnostic assessments, achievement assessments, or 9463
model curriculum required under this section, the ~~state board or~~ 9464

~~the~~ department shall first consult with parents of students in 9465
kindergarten through twelfth grade and with active Ohio 9466
classroom teachers, other school personnel, and administrators 9467
with expertise in the appropriate subject area. Whenever 9468
practicable, the ~~state board and~~ department shall consult with 9469
teachers recognized as outstanding in their fields. 9470

If the department contracts with more than one outside 9471
entity for the development of the achievement assessments 9472
required by this section, the department shall ensure the 9473
interchangeability of those assessments. 9474

(G) Whenever the ~~state board~~ department adopts standards 9475
or model curricula under this section, the department also shall 9476
provide information on the use of blended, online, or digital 9477
learning in the delivery of the standards or curricula to 9478
students in accordance with division (A) (5) of this section. 9479

(H) The fairness sensitivity review committee, ~~established~~ 9480
~~by rule of the state board of education,~~ of the department shall 9481
not allow any question on any achievement or diagnostic 9482
assessment developed under this section or any proficiency test 9483
prescribed by former section 3301.0710 of the Revised Code, as 9484
it existed prior to September 11, 2001, to include, be written 9485
to promote, or inquire as to individual moral or social values 9486
or beliefs. The decision of the committee shall be final. This 9487
section does not create a private cause of action. 9488

(I) Not later than sixty days prior to the adoption ~~by the~~ 9489
~~state board~~ of updated academic standards under division (A) (1) 9490
of this section or updated model curricula under division (B) (1) 9491
of this section, the ~~superintendent~~ director of public 9492
~~instruction~~ education and workforce shall present the academic 9493
standards or model curricula, as applicable, in person at a 9494

public hearing of the respective committees of the house of 9495
representatives and senate that consider education legislation. 9496

(J) As used in this section: 9497

(1) "Blended learning" means the delivery of instruction 9498
in a combination of time primarily in a supervised physical 9499
location away from home and online delivery whereby the student 9500
has some element of control over time, place, path, or pace of 9501
learning and includes noncomputer-based learning opportunities. 9502

(2) "Online learning" means students work primarily from 9503
their residences on assignments delivered via an internet- or 9504
other computer-based instructional method. 9505

(3) "Coherence" means a reflection of the structure of the 9506
discipline being taught. 9507

(4) "Digital learning" means learning facilitated by 9508
technology that gives students some element of control over 9509
time, place, path, or pace of learning. 9510

(5) "Focus" means limiting the number of items included in 9511
a curriculum to allow for deeper exploration of the subject 9512
matter. 9513

(6) "Vertical articulation" means key academic concepts 9514
and skills associated with mastery in particular content areas 9515
should be articulated and reinforced in a developmentally 9516
appropriate manner at each grade level so that over time 9517
students acquire a depth of knowledge and understanding in the 9518
core academic disciplines. 9519

Sec. 3301.0710. ~~The state board~~ department of education 9520
and workforce shall adopt rules establishing a statewide program 9521
to assess student achievement. ~~The state board~~ department shall 9522

ensure that all assessments administered under the program are 9523
aligned with the academic standards and model curricula adopted 9524
by the ~~state board~~ department and are created with input from 9525
Ohio parents, Ohio classroom teachers, Ohio school 9526
administrators, and other Ohio school personnel pursuant to 9527
section 3301.079 of the Revised Code. 9528

The assessment program shall be designed to ensure that 9529
students who receive a high school diploma demonstrate at least 9530
high school levels of achievement in English language arts, 9531
mathematics, science, and social studies. 9532

(A) (1) The ~~state board~~ department shall prescribe all of 9533
the following: 9534

(a) Two statewide achievement assessments, one each 9535
designed to measure the level of English language arts and 9536
mathematics skill expected at the end of third grade; 9537

(b) Two statewide achievement assessments, one each 9538
designed to measure the level of English language arts and 9539
mathematics skill expected at the end of fourth grade; 9540

(c) Three statewide achievement assessments, one each 9541
designed to measure the level of English language arts, 9542
mathematics, and science skill expected at the end of fifth 9543
grade; 9544

(d) Two statewide achievement assessments, one each 9545
designed to measure the level of English language arts and 9546
mathematics skill expected at the end of sixth grade; 9547

(e) Two statewide achievement assessments, one each 9548
designed to measure the level of English language arts and 9549
mathematics skill expected at the end of seventh grade; 9550

(f) Three statewide achievement assessments, one each 9551
designed to measure the level of English language arts, 9552
mathematics, and science skill expected at the end of eighth 9553
grade. 9554

(2) ~~The state board~~ department shall determine and 9555
designate at least five ranges of scores on each of the 9556
achievement assessments described in divisions (A) (1) and (B) (1) 9557
of this section. Each range of scores shall be deemed to 9558
demonstrate a level of achievement so that any student attaining 9559
a score within such range has achieved one of the following: 9560

(a) An advanced level of skill; 9561

(b) An accomplished level of skill; 9562

(c) A proficient level of skill; 9563

(d) A basic level of skill; 9564

(e) A limited level of skill. 9565

(3) For the purpose of implementing division (A) of 9566
section 3313.608 of the Revised Code, ~~the state board~~ department 9567
shall determine and designate a level of achievement, not lower 9568
than the level designated in division (A) (2) (e) of this section, 9569
on the third grade English language arts assessment for a 9570
student to be promoted to the fourth grade. ~~The state board~~ 9571
department shall review and adjust upward the level of 9572
achievement designated under this division each year the test is 9573
administered until the level is set equal to the level 9574
designated in division (A) (2) (c) of this section. The level of 9575
achievement designated under this division shall be equal to the 9576
level designated in division (A) (2) (c) of this section not later 9577
than July 1, 2024. 9578

(4) Each school district or school shall teach and assess 9579
social studies in at least the fourth and sixth grades. Any 9580
assessment in such area shall be determined by the district or 9581
school and may be formative or summative in nature. The results 9582
of such assessment shall not be reported to the department ~~of~~ 9583
~~education.~~ 9584

(B) (1) The assessments prescribed under division (B) (1) of 9585
this section shall collectively be known as the Ohio graduation 9586
tests. ~~The state board shall prescribe~~ Those tests shall consist 9587
of five statewide high school achievement assessments, one each 9588
designed to measure the level of reading, writing, mathematics, 9589
science, and social studies skill expected at the end of tenth 9590
grade. The ~~state board~~ department shall designate a score in at 9591
least the range designated under division (A) (2) (c) of this 9592
section on each such assessment that shall be deemed to be a 9593
passing score on the assessment as a condition toward granting 9594
high school diplomas under sections 3313.61, 3313.611, 3313.612, 9595
and 3325.08 of the Revised Code until the assessment system 9596
prescribed by section 3301.0712 of the Revised Code is 9597
implemented in accordance with division (B) (2) of this section. 9598

(2) ~~The state board~~ department shall prescribe an 9599
assessment system in accordance with section 3301.0712 of the 9600
Revised Code that shall replace the Ohio graduation tests 9601
beginning with students who enter the ninth grade for the first 9602
time on or after July 1, 2014. 9603

(3) ~~The state board~~ department may enter into a reciprocal 9604
agreement with the appropriate body or agency of any other state 9605
that has similar statewide achievement assessment requirements 9606
for receiving high school diplomas, under which any student who 9607
has met an achievement assessment requirement of one state is 9608

recognized as having met the similar requirement of the other 9609
state for purposes of receiving a high school diploma. For 9610
purposes of this section and sections 3301.0711 and 3313.61 of 9611
the Revised Code, any student enrolled in any public high school 9612
in this state who has met an achievement assessment requirement 9613
specified in a reciprocal agreement entered into under this 9614
division shall be deemed to have attained at least the 9615
applicable score designated under this division on each 9616
assessment required by division (B) (1) or (2) of this section 9617
that is specified in the agreement. 9618

(C) ~~The superintendent of public instruction~~ director of 9619
education and workforce shall designate dates and times for the 9620
administration of the assessments prescribed by divisions (A) 9621
and (B) of this section. 9622

In prescribing administration dates pursuant to this 9623
division, ~~the superintendent~~ director shall designate the dates 9624
in such a way as to allow a reasonable length of time between 9625
the administration of assessments prescribed under this section 9626
and any administration of the national assessment of educational 9627
progress given to students in the same grade level pursuant to 9628
section 3301.27 of the Revised Code or federal law. 9629

(D) ~~The state board~~ department shall prescribe a practice 9630
version of each Ohio graduation test described in division (B) 9631
(1) of this section that is of comparable length to the actual 9632
test. 9633

(E) Any committee established by the department ~~of~~ 9634
~~education~~ for the purpose of making recommendations ~~to the state~~ 9635
~~board~~ regarding the ~~state board's~~ designation of scores on the 9636
assessments described by this section shall inform the ~~state~~ 9637
~~board~~ department of the probable percentage of students who 9638

would score in each of the ranges established under division (A) 9639
(2) of this section on the assessments if the committee's 9640
recommendations are adopted by the ~~state board~~ department. To 9641
the extent possible, these percentages shall be disaggregated by 9642
gender, major racial and ethnic groups, English learners, 9643
economically disadvantaged students, students with disabilities, 9644
and migrant students. 9645

Sec. 3301.0711. (A) The department of education and 9646
workforce shall: 9647

(1) Annually furnish to, grade, and score all assessments 9648
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 9649
the Revised Code to be administered by city, local, exempted 9650
village, and joint vocational school districts, except that each 9651
district shall score any assessment administered pursuant to 9652
division (B)(10) of this section. Each assessment so furnished 9653
shall include the data verification code of the student to whom 9654
the assessment will be administered, as assigned pursuant to 9655
division (D)(2) of section 3301.0714 of the Revised Code. In 9656
furnishing the practice versions of Ohio graduation tests 9657
prescribed by division (D) of section 3301.0710 of the Revised 9658
Code, the department shall make the tests available on its web 9659
site for reproduction by districts. In awarding contracts for 9660
grading assessments, the department shall give preference to 9661
Ohio-based entities employing Ohio residents. 9662

(2) Adopt rules for the ethical use of assessments and 9663
prescribing the manner in which the assessments prescribed by 9664
section 3301.0710 of the Revised Code shall be administered to 9665
students. 9666

(B) Except as provided in divisions (C) and (J) of this 9667
section, the board of education of each city, local, and 9668

exempted village school district shall, in accordance with rules 9669
adopted under division (A) of this section: 9670

(1) Administer the English language arts assessments 9671
prescribed under division (A) (1) (a) of section 3301.0710 of the 9672
Revised Code twice annually to all students in the third grade 9673
who have not attained the score designated for that assessment 9674
under division (A) (2) (c) of section 3301.0710 of the Revised 9675
Code. 9676

(2) Administer the mathematics assessment prescribed under 9677
division (A) (1) (a) of section 3301.0710 of the Revised Code at 9678
least once annually to all students in the third grade. 9679

(3) Administer the assessments prescribed under division 9680
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 9681
annually to all students in the fourth grade. 9682

(4) Administer the assessments prescribed under division 9683
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 9684
annually to all students in the fifth grade. 9685

(5) Administer the assessments prescribed under division 9686
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 9687
annually to all students in the sixth grade. 9688

(6) Administer the assessments prescribed under division 9689
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 9690
annually to all students in the seventh grade. 9691

(7) Administer the assessments prescribed under division 9692
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 9693
annually to all students in the eighth grade. 9694

(8) Except as provided in division (B) (9) of this section, 9695
administer any assessment prescribed under division (B) (1) of 9696

section 3301.0710 of the Revised Code as follows: 9697

(a) At least once annually to all tenth grade students and 9698
at least twice annually to all students in eleventh or twelfth 9699
grade who have not yet attained the score on that assessment 9700
designated under that division; 9701

(b) To any person who has successfully completed the 9702
curriculum in any high school or the individualized education 9703
program developed for the person by any high school pursuant to 9704
section 3323.08 of the Revised Code but has not received a high 9705
school diploma and who requests to take such assessment, at any 9706
time such assessment is administered in the district. 9707

(9) In lieu of the board of education of any city, local, 9708
or exempted village school district in which the student is also 9709
enrolled, the board of a joint vocational school district shall 9710
administer any assessment prescribed under division (B) (1) of 9711
section 3301.0710 of the Revised Code at least twice annually to 9712
any student enrolled in the joint vocational school district who 9713
has not yet attained the score on that assessment designated 9714
under that division. A board of a joint vocational school 9715
district may also administer such an assessment to any student 9716
described in division (B) (8) (b) of this section. 9717

(10) If the district has a three-year average graduation 9718
rate of not more than seventy-five per cent, administer each 9719
assessment prescribed by division (D) of section 3301.0710 of 9720
the Revised Code in September to all ninth grade students who 9721
entered ninth grade prior to July 1, 2014. 9722

Except as provided in section 3313.614 of the Revised Code 9723
for administration of an assessment to a person who has 9724
fulfilled the curriculum requirement for a high school diploma 9725

but has not passed one or more of the required assessments, the 9726
assessments prescribed under division (B) (1) of section 9727
3301.0710 of the Revised Code shall not be administered after 9728
the date specified in the rules adopted ~~by the state board of~~ 9729
~~education~~ under division (D) (1) of section 3301.0712 of the 9730
Revised Code. 9731

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 9732
of this section, administer the assessments prescribed by 9733
division (B) (2) of section 3301.0710 and section 3301.0712 of 9734
the Revised Code in accordance with the timeline and plan for 9735
implementation of those assessments prescribed by rule ~~of the~~ 9736
~~state board~~ adopted under division (D) (1) of section 3301.0712 9737
of the Revised Code; 9738

(b) A student who has presented evidence to the district 9739
or school of having satisfied the condition prescribed by 9740
division (A) (1) of section 3313.618 of the Revised Code to 9741
qualify for a high school diploma prior to the date of the 9742
administration of the assessment prescribed under division (B) 9743
(1) of section 3301.0712 of the Revised Code shall not be 9744
required to take that assessment. However, no board shall 9745
prohibit a student who is not required to take such assessment 9746
from taking the assessment. 9747

(c) A student shall not be required to retake the Algebra 9748
I end-of-course examination or the English language arts II end- 9749
of-course examination prescribed under division (B) (2) of 9750
section 3301.0712 of the Revised Code in grades nine through 9751
twelve if the student demonstrates at least a proficient level 9752
of skill, as prescribed under division (B) (5) (a) of that 9753
section, or achieves a competency score, as prescribed under 9754
division (B) (10) of that section, in an administration of the 9755

examination prior to grade nine. 9756

(C) (1) (a) In the case of a student receiving special 9757
education services under Chapter 3323. of the Revised Code, the 9758
individualized education program developed for the student under 9759
that chapter shall specify the manner in which the student will 9760
participate in the assessments administered under this section, 9761
except that a student with significant cognitive disabilities to 9762
whom an alternate assessment is administered in accordance with 9763
division (C) (1) of this section and a student determined to have 9764
a disability that includes an intellectual disability as 9765
outlined in guidance issued by the department shall not be 9766
required to take the assessment prescribed under division (B) (1) 9767
of section 3301.0712 of the Revised Code. The individualized 9768
education program may excuse the student from taking any 9769
particular assessment required to be administered under this 9770
section if it instead specifies an alternate assessment method 9771
approved by the department ~~of education~~ as conforming to 9772
requirements of federal law for receipt of federal funds for 9773
disadvantaged pupils. To the extent possible, the individualized 9774
education program shall not excuse the student from taking an 9775
assessment unless no reasonable accommodation can be made to 9776
enable the student to take the assessment. No board shall 9777
prohibit a student who is not required to take an assessment 9778
under division (C) (1) of this section from taking the 9779
assessment. 9780

(b) Any alternate assessment approved by the department 9781
for a student under this division shall produce measurable 9782
results comparable to those produced by the assessment it 9783
replaces in order to allow for the student's results to be 9784
included in the data compiled for a school district or building 9785
under section 3302.03 of the Revised Code. 9786

(c) (i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if either of the following apply:

(I) A plan developed for the student pursuant to rules adopted by the ~~state board~~ department excuses the student from taking that assessment.

(II) The chartered nonpublic school develops a written plan in which the school, in consultation with the student's parents, determines that an assessment or alternative assessment with accommodations does not accurately assess the student's academic performance. The plan shall include an academic profile of the student's academic performance and shall be reviewed annually to determine if the student's needs continue to require excusal from taking the assessment.

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

(iii) In the case of any student so excused from taking an assessment under division (C) (1) (c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other 9817
good cause, excuse a student from taking an assessment 9818
administered under this section on the date scheduled, but that 9819
assessment shall be administered to the excused student not 9820
later than nine days following the scheduled date. The district 9821
board shall annually report the number of students who have not 9822
taken one or more of the assessments required by this section to 9823
the ~~state board~~ department not later than the thirtieth day of 9824
June. 9825

(3) As used in this division, "English learner" has the 9826
same meaning as in 20 U.S.C. 7801. 9827

No school district board shall excuse any English learner 9828
from taking any particular assessment required to be 9829
administered under this section, except as follows: 9830

(a) Any English learner who has been enrolled in United 9831
States schools for less than two years and for whom no 9832
appropriate accommodations are available based on guidance 9833
issued by the department shall not be required to take the 9834
assessment prescribed under division (B) (1) of section 3301.0712 9835
of the Revised Code. 9836

(b) Any English learner who has been enrolled in United 9837
States schools for less than one full school year shall not be 9838
required to take any reading, writing, or English language arts 9839
assessment. 9840

However, no board shall prohibit an English learner who is 9841
not required to take an assessment under division (C) (3) of this 9842
section from taking the assessment. A board may permit any 9843
English learner to take an assessment required to be 9844
administered under this section with appropriate accommodations, 9845

as determined by the department. For each English learner, each 9846
school district shall annually assess that student's progress in 9847
learning English, in accordance with procedures approved by the 9848
department. 9849

(4) (a) The governing authority of a chartered nonpublic 9850
school may excuse an English learner from taking any assessment 9851
administered under this section. 9852

(b) No governing authority shall require an English 9853
learner who has been enrolled in United States schools for less 9854
than two years and for whom no appropriate accommodations are 9855
available based on guidance issued by the department to take the 9856
assessment prescribed under division (B) (1) of section 3301.0712 9857
of the Revised Code. 9858

(c) No governing authority shall prohibit an English 9859
learner from taking an assessment from which the student was 9860
excused under division (C) (4) of this section. 9861

(D) (1) In the school year next succeeding the school year 9862
in which the assessments prescribed by division (A) (1) or (B) (1) 9863
of section 3301.0710 of the Revised Code or former division (A) 9864
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 9865
it existed prior to September 11, 2001, are administered to any 9866
student, the board of education of any school district in which 9867
the student is enrolled in that year shall provide to the 9868
student intervention services commensurate with the student's 9869
performance, including any intensive intervention required under 9870
section 3313.608 of the Revised Code, in any skill in which the 9871
student failed to demonstrate at least a score at the proficient 9872
level on the assessment. 9873

(2) Following any administration of the assessments 9874

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

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

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a

higher grade level. However, a district board may choose not to 9906
promote to the next grade level any student who does not take an 9907
assessment administered under this section or make up an 9908
assessment as provided by division (C) (2) of this section and 9909
who is not exempt from the requirement to take the assessment 9910
under division (C) (3) of this section. 9911

(F) No person shall be charged a fee for taking any 9912
assessment administered under this section. 9913

(G) (1) Each school district board shall designate one 9914
location for the collection of assessments administered in the 9915
spring under division (B) (1) of this section and those 9916
administered under divisions (B) (2) to (7) of this section. Each 9917
district board shall submit the assessments to the entity with 9918
which the department contracts for the scoring of the 9919
assessments as follows: 9920

(a) If the district's total enrollment in grades 9921
kindergarten through twelve during the first full school week of 9922
October was less than two thousand five hundred, not later than 9923
the Friday after all of the assessments have been administered; 9924

(b) If the district's total enrollment in grades 9925
kindergarten through twelve during the first full school week of 9926
October was two thousand five hundred or more, but less than 9927
seven thousand, not later than the Monday after all of the 9928
assessments have been administered; 9929

(c) If the district's total enrollment in grades 9930
kindergarten through twelve during the first full school week of 9931
October was seven thousand or more, not later than the Tuesday 9932
after all of the assessments have been administered. 9933

However, any assessment that a student takes during the 9934

make-up period described in division (C) (2) of this section 9935
shall be submitted not later than the Friday following the day 9936
the student takes the assessment. 9937

(2) The department or an entity with which the department 9938
contracts for the scoring of the assessment shall send to each 9939
school district board a list of the individual scores of all 9940
persons taking a state achievement assessment as follows: 9941

(a) Except as provided in division (G) (2) (b) or (c) of 9942
this section, within forty-five days after the administration of 9943
the assessments prescribed by sections 3301.0710 and 3301.0712 9944
of the Revised Code, but in no case shall the scores be returned 9945
later than the thirtieth day of June following the 9946
administration; 9947

(b) In the case of the third-grade English language arts 9948
assessment, within forty-five days after the administration of 9949
that assessment, but in no case shall the scores be returned 9950
later than the fifteenth day of June following the 9951
administration; 9952

(c) In the case of the writing component of an assessment 9953
or end-of-course examination in the area of English language 9954
arts, except for the third-grade English language arts 9955
assessment, the results may be sent after forty-five days of the 9956
administration of the writing component, but in no case shall 9957
the scores be returned later than the thirtieth day of June 9958
following the administration. 9959

(3) For assessments administered under this section by a 9960
joint vocational school district, the department or entity shall 9961
also send to each city, local, or exempted village school 9962
district a list of the individual scores of any students of such 9963

city, local, or exempted village school district who are 9964
attending school in the joint vocational school district. 9965

(4) Beginning with the 2019-2020 school year, a school 9966
district, other public school, or chartered nonpublic school may 9967
administer the third-grade English language arts or mathematics 9968
assessment, or both, in a paper format in any school year for 9969
which the district board of education or school governing body 9970
adopts a resolution indicating that the district or school 9971
chooses to administer the assessment in a paper format. The 9972
board or governing body shall submit a copy of the resolution to 9973
the department of education and workforce not later than the 9974
first day of May prior to the school year for which it will 9975
apply. If the resolution is submitted, the district or school 9976
shall administer the assessment in a paper format to all 9977
students in the third grade, except that any student whose 9978
individualized education program or plan developed under section 9979
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 9980
794, as amended, specifies that taking the assessment in an 9981
online format is an appropriate accommodation for the student 9982
may take the assessment in an online format. 9983

(H) Individual scores on any assessments administered 9984
under this section shall be released by a district board only in 9985
accordance with section 3319.321 of the Revised Code and the 9986
rules adopted under division (A) of this section. No district 9987
board or its employees shall utilize individual or aggregate 9988
results in any manner that conflicts with rules for the ethical 9989
use of assessments adopted pursuant to division (A) of this 9990
section. 9991

(I) Except as provided in division (G) of this section, 9992
the department or an entity with which the department contracts 9993

for the scoring of the assessment shall not release any 9994
individual scores on any assessment administered under this 9995
section. ~~The state board~~ department shall adopt rules to ensure 9996
the protection of student confidentiality at all times. The 9997
rules may require the use of the data verification codes 9998
assigned to students pursuant to division (D)(2) of section 9999
3301.0714 of the Revised Code to protect the confidentiality of 10000
student scores. 10001

(J) Notwithstanding division (D) of section 3311.52 of the 10002
Revised Code, this section does not apply to the board of 10003
education of any cooperative education school district except as 10004
provided under rules adopted pursuant to this division. 10005

(1) In accordance with rules that ~~the state board~~ 10006
department shall adopt, the board of education of any city, 10007
exempted village, or local school district with territory in a 10008
cooperative education school district established pursuant to 10009
divisions (A) to (C) of section 3311.52 of the Revised Code may 10010
enter into an agreement with the board of education of the 10011
cooperative education school district for administering any 10012
assessment prescribed under this section to students of the 10013
city, exempted village, or local school district who are 10014
attending school in the cooperative education school district. 10015

(2) In accordance with rules that ~~the state board~~ 10016
department shall adopt, the board of education of any city, 10017
exempted village, or local school district with territory in a 10018
cooperative education school district established pursuant to 10019
section 3311.521 of the Revised Code shall enter into an 10020
agreement with the cooperative district that provides for the 10021
administration of any assessment prescribed under this section 10022
to both of the following: 10023

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

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

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

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may

administer an alternative standardized assessment determined by 10054
the department instead of the assessments prescribed by division 10055
(A) of section 3301.0710 of the Revised Code. 10056

Each chartered nonpublic school subject to division (K) (1) 10057
(a) or (b) of this section shall report the results of each 10058
assessment administered under those divisions to the department. 10059

(2) A chartered nonpublic school may submit to the 10060
~~superintendent of public instruction~~ director of education and 10061
workforce a request for a waiver from administering the 10062
elementary assessments prescribed by division (A) of section 10063
3301.0710 of the Revised Code. ~~The state superintendent~~ director 10064
shall approve or disapprove a request for a waiver submitted 10065
under division (K) (2) of this section. ~~No waiver shall be~~ 10066
~~approved for any school year prior to the 2015-2016 school year.~~ 10067

To be eligible to submit a request for a waiver, a 10068
chartered nonpublic school shall meet the following conditions: 10069

(a) At least ninety-five per cent of the students enrolled 10070
in the school are children with disabilities, as defined under 10071
section 3323.01 of the Revised Code, or have received a 10072
diagnosis by a school district or from a physician, including a 10073
neuropsychiatrist or psychiatrist, or a psychologist who is 10074
authorized to practice in this or another state as having a 10075
condition that impairs academic performance, such as dyslexia, 10076
dyscalculia, attention deficit hyperactivity disorder, or 10077
Asperger's syndrome. 10078

(b) The school has solely served a student population 10079
described in division (K) (1) (a) of this section for at least ten 10080
years. 10081

(c) The school provides to the department at least five 10082

years of records of internal testing conducted by the school 10083
that affords the department data required for accountability 10084
purposes, including diagnostic assessments and nationally 10085
standardized norm-referenced achievement assessments that 10086
measure reading and math skills. 10087

(3) Any chartered nonpublic school that is not subject to 10088
division (K) (1) of this section may participate in the 10089
assessment program by administering any of the assessments 10090
prescribed by division (A) of section 3301.0710 of the Revised 10091
Code. The chief administrator of the school shall specify which 10092
assessments the school will administer. Such specification shall 10093
be made in writing to the ~~superintendent of public instruction~~ 10094
director prior to the first day of August of any school year in 10095
which assessments are administered and shall include a pledge 10096
that the nonpublic school will administer the specified 10097
assessments in the same manner as public schools are required to 10098
do under this section and rules adopted by the department. 10099

(4) The department ~~of education~~ shall furnish the 10100
assessments prescribed by section 3301.0710 of the Revised Code 10101
to each chartered nonpublic school that is subject to division 10102
(K) (1) of this section or participates under division (K) (3) of 10103
this section. 10104

(L) If a chartered nonpublic school is educating students 10105
in grades nine through twelve, the following shall apply: 10106

(1) Except as provided in division (L) (4) of this section, 10107
for a student who is enrolled in a chartered nonpublic school 10108
that is accredited through the independent schools association 10109
of the central states and who is attending the school under a 10110
state scholarship program, the student shall either take all of 10111
the assessments prescribed by division (B) of section 3301.0712 10112

of the Revised Code or take an alternative assessment approved 10113
by the department under section 3313.619 of the Revised Code. 10114
However, a student who is excused from taking an assessment 10115
under division (C) of this section or has presented evidence to 10116
the chartered nonpublic school of having satisfied the condition 10117
prescribed by division (A) (1) of section 3313.618 of the Revised 10118
Code to qualify for a high school diploma prior to the date of 10119
the administration of the assessment prescribed under division 10120
(B) (1) of section 3301.0712 of the Revised Code shall not be 10121
required to take that assessment. No governing authority of a 10122
chartered nonpublic school shall prohibit a student who is not 10123
required to take such assessment from taking the assessment. 10124

(2) For a student who is enrolled in a chartered nonpublic 10125
school that is accredited through the independent schools 10126
association of the central states, and who is not attending the 10127
school under a state scholarship program, the student shall not 10128
be required to take any assessment prescribed under section 10129
3301.0712 or 3313.619 of the Revised Code. 10130

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 10131
of this section, for a student who is enrolled in a chartered 10132
nonpublic school that is not accredited through the independent 10133
schools association of the central states, regardless of whether 10134
the student is attending or is not attending the school under a 10135
state scholarship program, the student shall do one of the 10136
following: 10137

(i) Take all of the assessments prescribed by division (B) 10138
of section 3301.0712 of the Revised Code; 10139

(ii) Take only the assessment prescribed by division (B) 10140
(1) of section 3301.0712 of the Revised Code, provided that the 10141
student's school publishes the results of that assessment for 10142

each graduating class. The published results of that assessment 10143
shall include the overall composite scores, mean scores, twenty- 10144
fifth percentile scores, and seventy-fifth percentile scores for 10145
each subject area of the assessment. 10146

(iii) Take an alternative assessment approved by the 10147
department under section 3313.619 of the Revised Code. 10148

(b) A student who is excused from taking an assessment 10149
under division (C) of this section or has presented evidence to 10150
the chartered nonpublic school of having satisfied the condition 10151
prescribed by division (A) (1) of section 3313.618 of the Revised 10152
Code to qualify for a high school diploma prior to the date of 10153
the administration of the assessment prescribed under division 10154
(B) (1) of section 3301.0712 of the Revised Code shall not be 10155
required to take that assessment. No governing authority of a 10156
chartered nonpublic school shall prohibit a student who is not 10157
required to take such assessment from taking the assessment. 10158

(4) The assessments prescribed by sections 3301.0712 and 10159
3313.619 of the Revised Code shall not be administered to any 10160
student attending the school, if the school meets all of the 10161
following conditions: 10162

(a) At least ninety-five per cent of the students enrolled 10163
in the school are children with disabilities, as defined under 10164
section 3323.01 of the Revised Code, or have received a 10165
diagnosis by a school district or from a physician, including a 10166
neuropsychologist or psychiatrist, or a psychologist who is 10167
authorized to practice in this or another state as having a 10168
condition that impairs academic performance, such as dyslexia, 10169
dyscalculia, attention deficit hyperactivity disorder, or 10170
Asperger's syndrome. 10171

(b) The school has solely served a student population 10172
described in division (L) (4) (a) of this section for at least ten 10173
years. 10174

(c) The school makes available to the department at least 10175
five years of records of internal testing conducted by the 10176
school that affords the department data required for 10177
accountability purposes, including growth in student achievement 10178
in reading or mathematics, or both, as measured by nationally 10179
norm-referenced assessments that have developed appropriate 10180
standards for students. 10181

Division (L) (4) of this section applies to any student 10182
attending such school regardless of whether the student receives 10183
special education or related services and regardless of whether 10184
the student is attending the school under a state scholarship 10185
program. 10186

(M) (1) The superintendent of the state school for the 10187
blind and the superintendent of the state school for the deaf 10188
shall administer the assessments described by sections 3301.0710 10189
and 3301.0712 of the Revised Code. Each superintendent shall 10190
administer the assessments in the same manner as district boards 10191
are required to do under this section and rules adopted by the 10192
~~department of education~~ and in conformity with division (C) (1) 10193
(a) of this section. 10194

(2) The ~~department of education~~ shall furnish the 10195
assessments described by sections 3301.0710 and 3301.0712 of the 10196
Revised Code to each superintendent. 10197

(N) Notwithstanding division (E) of this section, a school 10198
district may use a student's failure to attain a score in at 10199
least the proficient range on the mathematics assessment 10200

described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

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

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

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

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

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 10230

(a) The first administration of each assessment, as 10231
specified in former section 3301.0712 of the Revised Code, shall 10232
be a public record. 10233

(b) For subsequent administrations of each assessment 10234
prior to the 2011-2012 school year, not less than forty per cent 10235
of the questions on the assessment that are used to compute a 10236
student's score shall be a public record. The department shall 10237
determine which questions will be needed for reuse on a future 10238
assessment and those questions shall not be public records and 10239
shall be redacted from the assessment prior to its release as a 10240
public record. However, for each redacted question, the 10241
department shall inform each city, local, and exempted village 10242
school district of the statewide academic standard adopted ~~by~~ 10243
~~the state board~~ under section 3301.079 of the Revised Code and 10244
the corresponding benchmark to which the question relates. The 10245
preceding sentence does not apply to field test questions that 10246
are redacted under division (O) (3) of this section. 10247

(c) The administrations of each assessment in the 2011- 10248
2012, 2012-2013, and 2013-2014 school years shall not be a 10249
public record. 10250

(5) Each assessment prescribed by division (B) (1) of 10251
section 3301.0710 of the Revised Code shall not be a public 10252
record. 10253

(6) (a) Except as provided in division (O) (6) (b) of this 10254
section, for the administrations in the 2014-2015, 2015-2016, 10255
and 2016-2017 school years, questions on the assessments 10256
prescribed under division (A) of section 3301.0710 and division 10257
(B) (2) of section 3301.0712 of the Revised Code and the 10258

corresponding preferred answers that are used to compute a 10259
student's score shall become a public record as follows: 10260

(i) Forty per cent of the questions and preferred answers 10261
on the assessments on the thirty-first day of July following the 10262
administration of the assessment; 10263

(ii) Twenty per cent of the questions and preferred 10264
answers on the assessment on the thirty-first day of July one 10265
year after the administration of the assessment; 10266

(iii) The remaining forty per cent of the questions and 10267
preferred answers on the assessment on the thirty-first day of 10268
July two years after the administration of the assessment. 10269

The entire content of an assessment shall become a public 10270
record within three years of its administration. 10271

The department shall make the questions that become a 10272
public record under this division readily accessible to the 10273
public on the department's web site. Questions on the spring 10274
administration of each assessment shall be released on an annual 10275
basis, in accordance with this division. 10276

(b) No questions and corresponding preferred answers shall 10277
become a public record under division (O) (6) of this section 10278
after July 31, 2017. 10279

(7) Division (O) (7) of this section applies to the 10280
assessments prescribed by division (A) of section 3301.0710 and 10281
division (B) (2) of section 3301.0712 of the Revised Code. 10282

Beginning with the assessments administered in the spring 10283
of the 2017-2018 school year, not less than forty per cent of 10284
the questions on each assessment that are used to compute a 10285
student's score shall be a public record. The department shall 10286

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 superintendent of public instruction, department of education and workforce~~ and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule ~~of the state board~~ adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) (a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure

college and career readiness and are used for college admission. 10347
The assessments shall be selected jointly by the ~~state~~ 10348
~~superintendent~~ department and the chancellor, and one of which 10349
shall be selected by each school district or school to 10350
administer to its students. The assessments prescribed under 10351
division (B) (1) of this section shall be administered to all 10352
eleventh-grade students in the spring of the school year. 10353

(b) Beginning with students who enter the ninth grade for 10354
the first time on or after ~~the first day of July immediately~~ 10355
~~following the effective date of this amendment~~ 1, 2022, the 10356
parent or guardian of a student may elect not to have a 10357
nationally standardized assessment administered to that student. 10358
In that event, the student's school district or school shall not 10359
administer the nationally standardized assessment to that 10360
student. 10361

(2) (a) Except as provided in division (B) (2) (b) of this 10362
section, seven end-of-course examinations, one in each of the 10363
areas of English language arts I, English language arts II, 10364
science, Algebra I, geometry, American history, and American 10365
government. The end-of-course examinations shall be selected 10366
jointly by the ~~state superintendent~~ department and the 10367
chancellor in consultation with faculty in the appropriate 10368
subject areas at institutions of higher education of the 10369
university system of Ohio. Advanced placement examinations and 10370
international baccalaureate examinations, as prescribed under 10371
section 3313.6013 of the Revised Code, in the areas of science, 10372
American history, and American government may be used as end-of- 10373
course examinations in accordance with division (B) (4) (a) (i) of 10374
this section. Final course grades for courses taken under any 10375
other advanced standing program, as prescribed under section 10376
3313.6013 of the Revised Code, in the areas of science, American 10377

history, and American government may be used in lieu of end-of- 10378
course examinations in accordance with division (B) (4) (a) (ii) of 10379
this section. 10380

(b) Beginning with students who enter ninth grade for the 10381
first time on or after July 1, 2019, five end-of-course 10382
examinations, one in each areas of English language arts II, 10383
science, Algebra I, American history, and American government. 10384
However, only the end-of-course examinations in English language 10385
arts II and Algebra I shall be required for graduation. 10386

The department ~~of education~~ shall, as necessary to 10387
implement division (B) (2) (b) of this section, seek a waiver from 10388
the United States secretary of education for testing 10389
requirements prescribed under federal law to allow for the use 10390
and implementation of Algebra I as the primary assessment of 10391
high school mathematics. If the department does not receive a 10392
waiver under this division, the end-of-course examinations for 10393
students described in division (B) (2) (b) of this section also 10394
shall include an end-of-course examination in the area of 10395
geometry. However, the geometry end-of-course examination shall 10396
not be required for graduation. 10397

~~(3) (a) Not later than July 1, 2013, each school district-~~ 10398
~~board of education shall adopt interim end of course-~~ 10399
~~examinations that comply with the requirements of divisions (B)-~~ 10400
~~(3) (b) (i) and (ii) of this section to assess mastery of American-~~ 10401
~~history and American government standards adopted under division-~~ 10402
~~(A) (1) (b) of section 3301.079 of the Revised Code and the topics-~~ 10403
~~required under division (M) of section 3313.603 of the Revised-~~ 10404
~~Code. Each high school of the district shall use the interim-~~ 10405
~~examinations until the state superintendent and chancellor-~~ 10406
~~select end of course examinations in American history and-~~ 10407

~~American government under division (B) (2) of this section.~~ 10408

~~(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.~~ 10409
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~~(i)~~ (3) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. 10412
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~~(ii)~~ At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code. 10418
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(4) (a) Notwithstanding anything to the contrary in this section, ~~beginning with the 2014-2015 school year,~~ both of the following shall apply: 10422
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(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. ~~The state board department~~ shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. 10425
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(ii) If a student is enrolled in an appropriate course 10436

under any other advanced standing program, as described in 10437
section 3313.6013 of the Revised Code, that student shall not be 10438
required to take the science, American history, or American 10439
government end-of-course examination, whichever is applicable, 10440
prescribed under division (B)(2) of this section. Instead, that 10441
student's final course grade shall be used in lieu of the 10442
applicable end-of-course examination prescribed under that 10443
section. ~~The state superintendent department~~, in consultation 10444
with the chancellor, shall adopt guidelines for purposes of 10445
calculating the corresponding final course grades that 10446
demonstrate the level of academic achievement necessary to earn 10447
a high school diploma. 10448

Division (B)(4)(a)(ii) of this section shall apply only to 10449
courses for which students receive transcribed credit, as 10450
defined in section 3365.01 of the Revised Code. It shall not 10451
apply to remedial or developmental courses. 10452

(b) No student shall take a substitute examination or 10453
examination prescribed under division (B)(4)(a) of this section 10454
in place of the end-of-course examinations in English language 10455
arts I, English language arts II, Algebra I, or geometry 10456
prescribed under division (B)(2) of this section. 10457

(c) ~~The state board department~~ shall consider additional 10458
assessments that may be used, ~~beginning with the 2016-2017-~~ 10459
~~school year~~, as substitute examinations in lieu of the end-of- 10460
course examinations prescribed under division (B)(2) of this 10461
section. 10462

(5) ~~The state board department~~ shall do all of the 10463
following: 10464

(a) Determine and designate at least five ranges of scores 10465

on each of the end-of-course examinations prescribed under 10466
division (B) (2) of this section, and substitute examinations 10467
prescribed under division (B) (4) of this section. Not later than 10468
sixty days after the designation of ranges of scores, ~~the state~~ 10469
~~superintendent, or the state superintendent's designee,~~ director 10470
of education and workforce shall conduct a public presentation 10471
before the standing committees of the house of representatives 10472
and the senate that consider primary and secondary education 10473
legislation regarding the designated range of scores. Each range 10474
of scores shall be considered to demonstrate a level of 10475
achievement so that any student attaining a score within such 10476
range has achieved one of the following: 10477

- (i) An advanced level of skill; 10478
- (ii) An accomplished level of skill; 10479
- (iii) A proficient level of skill; 10480
- (iv) A basic level of skill; 10481
- (v) A limited level of skill. 10482

(b) Determine a method by which to calculate a cumulative 10483
performance score based on the results of a student's end-of- 10484
course examinations or substitute examinations; 10485

(c) Determine the minimum cumulative performance score 10486
that demonstrates the level of academic achievement necessary to 10487
earn a high school diploma under division (A) (2) of section 10488
3313.618 of the Revised Code. However, ~~the state board shall not~~ 10489
~~determine a~~ no new minimum cumulative performance score shall be 10490
determined after October 17, 2019. 10491

(d) Develop a table of corresponding score equivalents for 10492
the end-of-course examinations and substitute examinations in 10493

order to calculate student performance consistently across the 10494
different examinations. 10495

A score of two on an advanced placement examination or a 10496
score of two or three on an international baccalaureate 10497
examination shall be considered equivalent to a proficient level 10498
of skill as specified under division (B) (5) (a) (iii) of this 10499
section. 10500

(6) (a) A student who meets both of the following 10501
conditions shall not be required to take an end-of-course 10502
examination: 10503

(i) The student received high school credit prior to July 10504
1, 2015, for a course for which the end-of-course examination is 10505
prescribed. 10506

(ii) The examination was not available for administration 10507
prior to July 1, 2015. 10508

Receipt of credit for the course described in division (B) 10509
(6) (a) (i) of this section shall satisfy the requirement to take 10510
the end-of-course examination. A student exempted under division 10511
(B) (6) (a) of this section may take the applicable end-of-course 10512
examination at a later date. 10513

(b) For purposes of determining whether a student who is 10514
exempt from taking an end-of-course examination under division 10515
(B) (6) (a) of this section has attained the cumulative score 10516
prescribed by division (B) (5) (c) of this section, such student 10517
shall select either of the following: 10518

(i) The student is considered to have attained a 10519
proficient score on the end-of-course examination from which the 10520
student is exempt; 10521

(ii) The student's final course grade shall be used in 10522
lieu of a score on the end-of-course examination from which the 10523
student is exempt. 10524

~~The state superintendent department,~~ in consultation with 10525
the chancellor, shall adopt guidelines for purposes of 10526
calculating the corresponding final course grades and the 10527
minimum cumulative performance score that demonstrates the level 10528
of academic achievement necessary to earn a high school diploma. 10529

(7) (a) Notwithstanding anything to the contrary in this 10530
section, ~~the state board department~~ may replace the algebra I 10531
end-of-course examination prescribed under division (B) (2) of 10532
this section with an algebra II end-of-course examination, 10533
beginning with the 2016-2017 school year for students who enter 10534
ninth grade on or after July 1, 2016. 10535

(b) If ~~the state board department~~ replaces the algebra I 10536
end-of-course examination with an algebra II end-of-course 10537
examination as authorized under division (B) (7) (a) of this 10538
section, both of the following shall apply: 10539

(i) A student who is enrolled in an advanced placement or 10540
international baccalaureate course in algebra II shall take the 10541
advanced placement or international baccalaureate examination in 10542
lieu of the algebra II end-of-course examination. 10543

(ii) A student who is enrolled in an algebra II course 10544
under any other advanced standing program, as described in 10545
section 3313.6013 of the Revised Code, shall not be required to 10546
take the algebra II end-of-course examination. Instead, that 10547
student's final course grade shall be used in lieu of the 10548
examination. 10549

(c) If a school district or school utilizes an integrated 10550

approach to mathematics instruction, the district or school may 10551
do either or both of the following: 10552

(i) Administer an integrated mathematics I end-of-course 10553
examination in lieu of the prescribed algebra I end-of-course 10554
examination; 10555

(ii) Administer an integrated mathematics II end-of-course 10556
examination in lieu of the prescribed geometry end-of-course 10557
examination. 10558

(8) (a) For students entering the ninth grade for the first 10559
time on or after July 1, 2014, but prior to July 1, 2015, the 10560
assessment in the area of science shall be physical science or 10561
biology. For students entering the ninth grade for the first 10562
time on or after July 1, 2015, the assessment in the area of 10563
science shall be biology. 10564

(b) Until July 1, 2019, the department shall make 10565
available the end-of-course examination in physical science for 10566
students who entered the ninth grade for the first time on or 10567
after July 1, 2014, but prior to July 1, 2015, and who wish to 10568
retake the examination. 10569

(c) ~~Not later than July 1, 2016, the state board~~ The 10570
department shall adopt rules prescribing the requirements for 10571
the end-of-course examination in science for students who 10572
entered the ninth grade for the first time on or after July 1, 10573
2014, but prior to July 1, 2015, and who have not met the 10574
requirement prescribed by section 3313.618 of the Revised Code 10575
by July 1, 2019, due to a student's failure to satisfy division 10576
(A) (2) of section 3313.618 of the Revised Code. 10577

(9) ~~Neither the state board nor the~~ The department of 10578
~~education~~ shall not develop or administer an end-of-course 10579

examination in the area of world history. 10580

(10) ~~Not later than March 1, 2020, the~~ The department, in 10581
consultation with the chancellor and the governor's office of 10582
workforce transformation, shall determine a competency score for 10583
both of the Algebra I and English language arts II end-of-course 10584
examinations for the purpose of graduation eligibility. 10585

(C) ~~The state board~~ department shall convene a group of 10586
national experts, state experts, and local practitioners to 10587
provide advice, guidance, and recommendations for the alignment 10588
of standards and model curricula to the assessments and in the 10589
design of the end-of-course examinations prescribed by this 10590
section. 10591

(D) Upon completion of the development of the assessment 10592
system, ~~the state board~~ department shall adopt rules prescribing 10593
all of the following: 10594

(1) A timeline and plan for implementation of the 10595
assessment system, including a phased implementation if the 10596
~~state board~~ department determines such a phase-in is warranted; 10597

(2) The date after which a person shall meet the 10598
requirements of the entire assessment system as a prerequisite 10599
for a diploma of adult education under section 3313.611 of the 10600
Revised Code; 10601

(3) Whether and the extent to which a person may be 10602
excused from an American history end-of-course examination and 10603
an American government end-of-course examination under division 10604
(H) of section 3313.61 and division (B) (3) of section 3313.612 10605
of the Revised Code; 10606

(4) The date after which a person who has fulfilled the 10607
curriculum requirement for a diploma but has not passed one or 10608

more of the required assessments at the time the person 10609
fulfilled the curriculum requirement shall meet the requirements 10610
of the entire assessment system as a prerequisite for a high 10611
school diploma under division (B) of section 3313.614 of the 10612
Revised Code; 10613

(5) The extent to which the assessment system applies to 10614
students enrolled in a dropout recovery and prevention program 10615
for purposes of division (F) of section 3313.603 and section 10616
3314.36 of the Revised Code. 10617

~~(E) Not later than forty-five days prior to the state 10618
board's adoption of a resolution directing the department to 10619
file the rules prescribed by division (D) of this section in 10620
final form under section 119.04 of the Revised Code, the 10621
superintendent of public instruction shall present the 10622
assessment system developed under this section to the respective 10623
committees of the house of representatives and senate that 10624
consider education legislation. 10625~~

~~(F) (1)~~ (E) (1) Any person enrolled in a nonchartered 10626
nonpublic school or any person who has been excused from 10627
attendance at school for the purpose of home instruction under 10628
section 3321.04 or 3321.042 of the Revised Code may choose to 10629
participate in the system of assessments administered under 10630
divisions (B) (1) and (2) of this section. However, no such 10631
person shall be required to participate in the system of 10632
assessments. 10633

(2) The department shall adopt rules for the 10634
administration and scoring of any assessments under division ~~(F)~~ 10635
~~(1)~~ (E) (1) of this section. 10636

~~(G) Not later than December 31, 2014, the state board (F)~~ 10637

The department shall select at least one nationally recognized 10638
job skills assessment. Each school district shall administer 10639
that assessment to those students who opt to take it. ~~The state~~ 10640
department shall reimburse a school district for the costs of 10641
administering that assessment. ~~The state board~~ department shall 10642
establish the minimum score a student must attain on the job 10643
skills assessment in order to demonstrate a student's workforce 10644
readiness and employability. The administration of the job 10645
skills assessment to a student under this division shall not 10646
exempt a school district from administering the assessments 10647
prescribed in division (B) of this section to that student. 10648

Sec. 3301.0713. The department of education and workforce 10649
shall establish an education management information system 10650
advisory council. The council shall make recommendations to the 10651
~~superintendent of public instruction~~ department to improve the 10652
operation of the education management information system 10653
established under section 3301.0714 of the Revised Code and 10654
shall provide a forum for communication and collaboration 10655
between the department and parties affected by the collection, 10656
reporting, and use of the system's data. Members of the council 10657
shall include department staff and representatives of school 10658
districts and other entities that regularly interact with data 10659
from the education management information system. 10660

Sec. 3301.0714. (A) The ~~state board~~ department of 10661
education and workforce shall adopt rules for a statewide 10662
education management information system. The rules shall require 10663
the ~~state board~~ department to establish guidelines for the 10664
establishment and maintenance of the system in accordance with 10665
this section and the rules adopted under this section. The 10666
guidelines shall include: 10667

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 10668
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(2) Procedures for annually collecting and reporting the data to the ~~state board~~ department in accordance with division (D) of this section; 10671
10672
10673

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 10674
10675

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 10676
10677

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 10678
10679

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 10680
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 10683
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading 10686
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instructional services, instructional services specifically for 10697
students gifted in mathematics or some other subject area, or 10698
instructional services for students with a specific type of 10699
disability. The categories of instructional services required by 10700
the guidelines under this division shall be the same as the 10701
categories of instructional services used in determining cost 10702
units pursuant to division (C) (3) of this section. 10703

(b) The numbers of students receiving support or 10704
extracurricular services for each of the support services or 10705
extracurricular programs offered by the school district, such as 10706
counseling services, health services, and extracurricular sports 10707
and fine arts programs. The categories of services required by 10708
the guidelines under this division shall be the same as the 10709
categories of services used in determining cost units pursuant 10710
to division (C) (4) (a) of this section. 10711

(c) Average student grades in each subject in grades nine 10712
through twelve; 10713

(d) Academic achievement levels as assessed under sections 10714
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 10715

(e) The number of students designated as having a 10716
disabling condition pursuant to division (C) (1) of section 10717
3301.0711 of the Revised Code; 10718

(f) The numbers of students reported to the ~~state board~~ 10719
department pursuant to division (C) (2) of section 3301.0711 of 10720
the Revised Code; 10721

(g) Attendance rates and the average daily attendance for 10722
the year. For purposes of this division, a student shall be 10723
counted as present for any field trip that is approved by the 10724
school administration. 10725

(h) Expulsion rates;	10726
(i) Suspension rates;	10727
(j) Dropout rates;	10728
(k) Rates of retention in grade;	10729
(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;	10730 10731 10732
(m) Graduation rates, to be calculated in a manner specified by the department of education- that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	10733 10734 10735 10736 10737
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	10738 10739 10740 10741 10742 10743 10744 10745 10746
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be	10747 10748 10749 10750 10751 10752 10753 10754

identified by name. 10755

Division (B) (1) (o) of this section does not apply after 10756
the date that is two years following the submission of the 10757
report required by Section 733.13 of H.B. 49 of the 132nd 10758
general assembly. 10759

(p) The number of students earning each state diploma seal 10760
included in the system prescribed under division (A) of section 10761
3313.6114 of the Revised Code; 10762

(q) The number of students demonstrating competency for 10763
graduation using each option described in divisions (B) (1) (a) to 10764
(d) of section 3313.618 of the Revised Code; 10765

(r) The number of students completing each foundational 10766
and supporting option as part of the demonstration of competency 10767
for graduation pursuant to division (B) (1) (b) of section 10768
3313.618 of the Revised Code; 10769

(s) The number of students enrolled in all-day 10770
kindergarten, as defined in section 3321.05 of the Revised Code. 10771

(2) Personnel and classroom enrollment data for each 10772
school district, including: 10773

(a) The total numbers of licensed employees and 10774
nonlicensed employees and the numbers of full-time equivalent 10775
licensed employees and nonlicensed employees providing each 10776
category of instructional service, instructional support 10777
service, and administrative support service used pursuant to 10778
division (C) (3) of this section. The guidelines adopted under 10779
this section shall require these categories of data to be 10780
maintained for the school district as a whole and, wherever 10781
applicable, for each grade in the school district as a whole, 10782
for each school building as a whole, and for each grade in each 10783

school building. 10784

(b) The total number of employees and the number of full- 10785
time equivalent employees providing each category of service 10786
used pursuant to divisions (C) (4) (a) and (b) of this section, 10787
and the total numbers of licensed employees and nonlicensed 10788
employees and the numbers of full-time equivalent licensed 10789
employees and nonlicensed employees providing each category used 10790
pursuant to division (C) (4) (c) of this section. The guidelines 10791
adopted under this section shall require these categories of 10792
data to be maintained for the school district as a whole and, 10793
wherever applicable, for each grade in the school district as a 10794
whole, for each school building as a whole, and for each grade 10795
in each school building. 10796

(c) The total number of regular classroom teachers 10797
teaching classes of regular education and the average number of 10798
pupils enrolled in each such class, in each of grades 10799
kindergarten through five in the district as a whole and in each 10800
school building in the school district. 10801

(d) The number of lead teachers employed by each school 10802
district and each school building. 10803

(3) (a) Student demographic data for each school district, 10804
including information regarding the gender ratio of the school 10805
district's pupils, the racial make-up of the school district's 10806
pupils, the number of English learners in the district, and an 10807
appropriate measure of the number of the school district's 10808
pupils who reside in economically disadvantaged households. The 10809
demographic data shall be collected in a manner to allow 10810
correlation with data collected under division (B) (1) of this 10811
section. Categories for data collected pursuant to division (B) 10812
(3) of this section shall conform, where appropriate, to 10813

standard practices of agencies of the federal government. 10814

(b) With respect to each student entering kindergarten, 10815
whether the student previously participated in a public 10816
preschool program, a private preschool program, or a head start 10817
program, and the number of years the student participated in 10818
each of these programs. 10819

(4) Any data required to be collected pursuant to federal 10820
law. 10821

(C) The education management information system shall 10822
include cost accounting data for each district as a whole and 10823
for each school building in each school district. The guidelines 10824
adopted under this section shall require the cost data for each 10825
school district to be maintained in a system of mutually 10826
exclusive cost units and shall require all of the costs of each 10827
school district to be divided among the cost units. The 10828
guidelines shall require the system of mutually exclusive cost 10829
units to include at least the following: 10830

(1) Administrative costs for the school district as a 10831
whole. The guidelines shall require the cost units under this 10832
division (C) (1) to be designed so that each of them may be 10833
compiled and reported in terms of average expenditure per pupil 10834
in enrolled ADM in the school district, as determined pursuant 10835
to section 3317.03 of the Revised Code. 10836

(2) Administrative costs for each school building in the 10837
school district. The guidelines shall require the cost units 10838
under this division (C) (2) to be designed so that each of them 10839
may be compiled and reported in terms of average expenditure per 10840
full-time equivalent pupil receiving instructional or support 10841
services in each building. 10842

(3) Instructional services costs for each category of 10843
instructional service provided directly to students and required 10844
by guidelines adopted pursuant to division (B) (1) (a) of this 10845
section. The guidelines shall require the cost units under 10846
division (C) (3) of this section to be designed so that each of 10847
them may be compiled and reported in terms of average 10848
expenditure per pupil receiving the service in the school 10849
district as a whole and average expenditure per pupil receiving 10850
the service in each building in the school district and in terms 10851
of a total cost for each category of service and, as a breakdown 10852
of the total cost, a cost for each of the following components: 10853

(a) The cost of each instructional services category 10854
required by guidelines adopted under division (B) (1) (a) of this 10855
section that is provided directly to students by a classroom 10856
teacher; 10857

(b) The cost of the instructional support services, such 10858
as services provided by a speech-language pathologist, classroom 10859
aide, multimedia aide, or librarian, provided directly to 10860
students in conjunction with each instructional services 10861
category; 10862

(c) The cost of the administrative support services 10863
related to each instructional services category, such as the 10864
cost of personnel that develop the curriculum for the 10865
instructional services category and the cost of personnel 10866
supervising or coordinating the delivery of the instructional 10867
services category. 10868

(4) Support or extracurricular services costs for each 10869
category of service directly provided to students and required 10870
by guidelines adopted pursuant to division (B) (1) (b) of this 10871
section. The guidelines shall require the cost units under 10872

division (C) (4) of this section to be designed so that each of 10873
them may be compiled and reported in terms of average 10874
expenditure per pupil receiving the service in the school 10875
district as a whole and average expenditure per pupil receiving 10876
the service in each building in the school district and in terms 10877
of a total cost for each category of service and, as a breakdown 10878
of the total cost, a cost for each of the following components: 10879

(a) The cost of each support or extracurricular services 10880
category required by guidelines adopted under division (B) (1) (b) 10881
of this section that is provided directly to students by a 10882
licensed employee, such as services provided by a guidance 10883
counselor or any services provided by a licensed employee under 10884
a supplemental contract; 10885

(b) The cost of each such services category provided 10886
directly to students by a nonlicensed employee, such as 10887
janitorial services, cafeteria services, or services of a sports 10888
trainer; 10889

(c) The cost of the administrative services related to 10890
each services category in division (C) (4) (a) or (b) of this 10891
section, such as the cost of any licensed or nonlicensed 10892
employees that develop, supervise, coordinate, or otherwise are 10893
involved in administering or aiding the delivery of each 10894
services category. 10895

(D) (1) The guidelines adopted under this section shall 10896
require school districts to collect information about individual 10897
students, staff members, or both in connection with any data 10898
required by division (B) or (C) of this section or other 10899
reporting requirements established in the Revised Code. The 10900
guidelines may also require school districts to report 10901
information about individual staff members in connection with 10902

any data required by division (B) or (C) of this section or 10903
other reporting requirements established in the Revised Code. 10904
The guidelines shall not authorize school districts to request 10905
social security numbers of individual students. The guidelines 10906
shall prohibit the reporting under this section of a student's 10907
name, address, and social security number to ~~the state board of~~ 10908
~~education or the department of education~~. The guidelines shall 10909
also prohibit the reporting under this section of any personally 10910
identifiable information about any student, except for the 10911
purpose of assigning the data verification code required by 10912
division (D)(2) of this section, to any other person unless such 10913
person is employed by the school district or the information 10914
technology center operated under section 3301.075 of the Revised 10915
Code and is authorized by the district or technology center to 10916
have access to such information or is employed by an entity with 10917
which the department contracts for the scoring or the 10918
development of state assessments. The guidelines may require 10919
school districts to provide the social security numbers of 10920
individual staff members and the county of residence for a 10921
student. Nothing in this section prohibits the ~~state board of~~ 10922
~~education or department of education~~ from providing a student's 10923
county of residence to the department of taxation to facilitate 10924
the distribution of tax revenue. 10925

(2) (a) The guidelines shall provide for each school 10926
district or community school to assign a data verification code 10927
that is unique on a statewide basis over time to each student 10928
whose initial Ohio enrollment is in that district or school and 10929
to report all required individual student data for that student 10930
utilizing such code. The guidelines shall also provide for 10931
assigning data verification codes to all students enrolled in 10932
districts or community schools on the effective date of the 10933

guidelines established under this section. The assignment of 10934
data verification codes for other entities, as described in 10935
division (D) (2) (d) of this section, the use of those codes, and 10936
the reporting and use of associated individual student data 10937
shall be coordinated by the department of education and 10938
workforce in accordance with state and federal law. 10939

School districts shall report individual student data to 10940
the department through the information technology centers 10941
utilizing the code. The entities described in division (D) (2) (d) 10942
of this section shall report individual student data to the 10943
department in the manner prescribed by the department. 10944

(b) (i) Except as provided in sections 3301.941, 3310.11, 10945
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 10946
Code, and in division (D) (2) (b) (ii) of this section, at no time 10947
shall the ~~state board or the~~ department have access to 10948
information that would enable any data verification code to be 10949
matched to personally identifiable student data. 10950

(ii) For the purpose of making per-pupil payments to 10951
community schools under section 3317.022 of the Revised Code, 10952
the department shall have access to information that would 10953
enable any data verification code to be matched to personally 10954
identifiable student data. 10955

(c) Each school district and community school shall ensure 10956
that the data verification code is included in the student's 10957
records reported to any subsequent school district, community 10958
school, or state institution of higher education, as defined in 10959
section 3345.011 of the Revised Code, in which the student 10960
enrolls. Any such subsequent district or school shall utilize 10961
the same identifier in its reporting of data under this section. 10962

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) ~~Beginning with the school year that begins July 1, 1991, the~~ The board of education of each school district shall annually collect and report to the ~~state board department,~~ in accordance with the guidelines established by the ~~board department,~~ the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The ~~state board department~~ shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The ~~state board department~~ shall design formats for profiling

each school district as a whole and each school building within 10993
each district and shall compile the data in accordance with 10994
these formats. These profile formats shall: 10995

(1) Include all of the data gathered under this section in 10996
a manner that facilitates comparison among school districts and 10997
among school buildings within each school district; 10998

(2) Present the data on academic achievement levels as 10999
assessed by the testing of student achievement maintained 11000
pursuant to division (B) (1) (d) of this section. 11001

(H) (1) The ~~state board department~~ shall, in accordance 11002
with the procedures it adopts, annually prepare a statewide 11003
report for all school districts and the general public that 11004
includes the profile of each of the school districts developed 11005
pursuant to division (G) of this section. Copies of the report 11006
shall be sent to each school district. 11007

(2) The ~~state board department~~ shall, in accordance with 11008
the procedures it adopts, annually prepare an individual report 11009
for each school district and the general public that includes 11010
the profiles of each of the school buildings in that school 11011
district developed pursuant to division (G) of this section. 11012
Copies of the report shall be sent to the superintendent of the 11013
district and to each member of the district board of education. 11014

(3) Copies of the reports ~~received from the state board~~ 11015
~~under prescribed in~~ divisions (H) (1) and (2) of this section 11016
shall be made available to the general public at each school 11017
district's offices. Each district board of education shall make 11018
copies of each report available to any person upon request and 11019
payment of a reasonable fee for the cost of reproducing the 11020
report. The board shall annually publish in a newspaper of 11021

general circulation in the school district, at least twice 11022
during the two weeks prior to the week in which the reports will 11023
first be available, a notice containing the address where the 11024
reports are available and the date on which the reports will be 11025
available. 11026

(I) Any data that is collected or maintained pursuant to 11027
this section and that identifies an individual pupil is not a 11028
public record for the purposes of section 149.43 of the Revised 11029
Code. 11030

(J) As used in this section: 11031

(1) "School district" means any city, local, exempted 11032
village, or joint vocational school district and, in accordance 11033
with section 3314.17 of the Revised Code, any community school. 11034
As used in division (L) of this section, "school district" also 11035
includes any educational service center or other educational 11036
entity required to submit data using the system established 11037
under this section. 11038

(2) "Cost" means any expenditure for operating expenses 11039
made by a school district excluding any expenditures for debt 11040
retirement except for payments made to any commercial lending 11041
institution for any loan approved pursuant to section 3313.483 11042
of the Revised Code. 11043

(K) Any person who removes data from the information 11044
system established under this section for the purpose of 11045
releasing it to any person not entitled under law to have access 11046
to such information is subject to section 2913.42 of the Revised 11047
Code prohibiting tampering with data. 11048

(L) (1) In accordance with division (L) (2) of this section 11049
and the rules adopted under division (L) (10) of this section, 11050

the department ~~of education~~ may sanction any school district 11051
that reports incomplete or inaccurate data, reports data that 11052
does not conform to data requirements and descriptions published 11053
by the department, fails to report data in a timely manner, or 11054
otherwise does not make a good faith effort to report data as 11055
required by this section. 11056

(2) If the department decides to sanction a school 11057
district under this division, the department shall take the 11058
following sequential actions: 11059

(a) Notify the district in writing that the department has 11060
determined that data has not been reported as required under 11061
this section and require the district to review its data 11062
submission and submit corrected data by a deadline established 11063
by the department. The department also may require the district 11064
to develop a corrective action plan, which shall include 11065
provisions for the district to provide mandatory staff training 11066
on data reporting procedures. 11067

(b) Withhold up to ten per cent of the total amount of 11068
state funds due to the district for the current fiscal year and, 11069
if not previously required under division (L) (2) (a) of this 11070
section, require the district to develop a corrective action 11071
plan in accordance with that division; 11072

(c) Withhold an additional amount of up to twenty per cent 11073
of the total amount of state funds due to the district for the 11074
current fiscal year; 11075

(d) Direct department staff or an outside entity to 11076
investigate the district's data reporting practices and make 11077
recommendations for subsequent actions. The recommendations may 11078
include one or more of the following actions: 11079

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 11080
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- (ii) Conduct a site visit and evaluation of the district; 11082
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 11083
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- (iv) Continue monitoring the district's data reporting; 11086
- (v) Assign department staff to supervise the district's data management system; 11087
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 11089
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 11092
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 11096
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- (ix) Any other action designed to correct the district's data reporting problems. 11101
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- (3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and 11103
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maintain a copy of the report in its files. 11108

(4) If any action taken under division (L)(2) of this 11109
section resolves a school district's data reporting problems to 11110
the department's satisfaction, the department shall not take any 11111
further actions described by that division. If the department 11112
withheld funds from the district under that division, the 11113
department may release those funds to the district, except that 11114
if the department withheld funding under division (L)(2)(c) of 11115
this section, the department shall not release the funds 11116
withheld under division (L)(2)(b) of this section and, if the 11117
department withheld funding under division (L)(2)(d) of this 11118
section, the department shall not release the funds withheld 11119
under division (L)(2)(b) or (c) of this section. 11120

(5) Notwithstanding anything in this section to the 11121
contrary, the department may use its own staff or an outside 11122
entity to conduct an audit of a school district's data reporting 11123
practices any time the department has reason to believe the 11124
district has not made a good faith effort to report data as 11125
required by this section. If any audit conducted by an outside 11126
entity under division (L)(2)(d)(i) or (5) of this section 11127
confirms that a district has not made a good faith effort to 11128
report data as required by this section, the district shall 11129
reimburse the department for the full cost of the audit. The 11130
department may withhold state funds due to the district for this 11131
purpose. 11132

(6) Prior to issuing a revised report card for a school 11133
district under division (L)(2)(d)(viii) of this section, the 11134
department may hold a hearing to provide the district with an 11135
opportunity to demonstrate that it made a good faith effort to 11136
report data as required by this section. The hearing shall be 11137

conducted by a referee appointed by the department. Based on the 11138
information provided in the hearing, the referee shall recommend 11139
whether the department should issue a revised report card for 11140
the district. If the referee affirms the department's contention 11141
that the district did not make a good faith effort to report 11142
data as required by this section, the district shall bear the 11143
full cost of conducting the hearing and of issuing any revised 11144
report card. 11145

(7) If the department determines that any inaccurate data 11146
reported under this section caused a school district to receive 11147
excess state funds in any fiscal year, the district shall 11148
reimburse the department an amount equal to the excess funds, in 11149
accordance with a payment schedule determined by the department. 11150
The department may withhold state funds due to the district for 11151
this purpose. 11152

(8) Any school district that has funds withheld under 11153
division (L)(2) of this section may appeal the withholding in 11154
accordance with Chapter 119. of the Revised Code. 11155

(9) In all cases of a disagreement between the department 11156
and a school district regarding the appropriateness of an action 11157
taken under division (L)(2) of this section, the burden of proof 11158
shall be on the district to demonstrate that it made a good 11159
faith effort to report data as required by this section. 11160

(10) The ~~state board~~ director of education and workforce 11161
shall adopt rules under Chapter 119. of the Revised Code to 11162
implement division (L) of this section. 11163

(M) No information technology center or school district 11164
shall acquire, change, or update its student administration 11165
software package to manage and report data required to be 11166

reported to the department unless it converts to a student 11167
software package that is certified by the department. 11168

(N) The state board of education, in accordance with 11169
sections 3319.31 and 3319.311 of the Revised Code, may suspend 11170
or revoke a license as defined under division (A) of section 11171
3319.31 of the Revised Code that has been issued to any school 11172
district employee found to have willfully reported erroneous, 11173
inaccurate, or incomplete data to the education management 11174
information system. 11175

(O) No person shall release or maintain any information 11176
about any student in violation of this section. Whoever violates 11177
this division is guilty of a misdemeanor of the fourth degree. 11178

(P) The department shall disaggregate the data collected 11179
under division (B) (1) (n) of this section according to the race 11180
and socioeconomic status of the students assessed. 11181

(Q) If the department cannot compile any of the 11182
information required by division (I) of section 3302.03 of the 11183
Revised Code based upon the data collected under this section, 11184
the department shall develop a plan and a reasonable timeline 11185
for the collection of any data necessary to comply with that 11186
division. 11187

Sec. 3301.0715. (A) Except as required under division (B) 11188
(1) of section 3313.608 or as specified in division (D) (3) of 11189
section 3301.079 of the Revised Code, the board of education of 11190
each city, local, and exempted village school district shall 11191
administer each applicable diagnostic assessment developed and 11192
provided to the district in accordance with section 3301.079 of 11193
the Revised Code to the following: 11194

(1) Any student who transfers into the district or to a 11195

different school within the district if each applicable 11196
diagnostic assessment was not administered by the district or 11197
school the student previously attended in the current school 11198
year, within thirty days after the date of transfer. If the 11199
district or school into which the student transfers cannot 11200
determine whether the student has taken any applicable 11201
diagnostic assessment in the current school year, the district 11202
or school may administer the diagnostic assessment to the 11203
student. However, if a student transfers into the district prior 11204
to the administration of the diagnostic assessments to all 11205
students under division (B) of this section, the district may 11206
administer the diagnostic assessments to that student on the 11207
date or dates determined under that division. 11208

(2) Each kindergarten student, not earlier than the first 11209
day of July of the school year and not later than the twentieth 11210
day of instruction of that school year. 11211

For the purpose of division (A) (2) of this section, the 11212
district shall administer the kindergarten readiness assessment 11213
provided by the department of education and workforce. In no 11214
case shall the results of the readiness assessment be used to 11215
prohibit a student from enrolling in kindergarten. 11216

(3) Each student enrolled in first, second, or third 11217
grade. 11218

Division (A) of this section does not apply to students 11219
with significant cognitive disabilities, as defined by the 11220
~~department of education~~. 11221

(B) Each district board shall administer each diagnostic 11222
assessment when the board deems appropriate, provided the 11223
administration complies with section 3313.608 of the Revised 11224

Code. However, the board shall administer any diagnostic 11225
assessment at least once annually to all students in the 11226
appropriate grade level. A district board may administer any 11227
diagnostic assessment in the fall and spring of a school year to 11228
measure the amount of academic growth attributable to the 11229
instruction received by students during that school year. 11230

(C) A district may use different diagnostic assessments 11231
from those adopted under division (D) of section 3301.079 of the 11232
Revised Code in order to satisfy the requirements of division 11233
(A) (3) of this section if the district meets either of the 11234
following conditions for the immediately preceding school year: 11235

(1) The district received a grade of "A" or "B" for the 11236
performance index score under division (C) (1) (b) of section 11237
3302.03 of the Revised Code or for the value-added progress 11238
dimension under division (C) (1) (e) of that section. 11239

(2) The district received a performance rating of four 11240
stars or higher for achievement under division (D) (3) (b) of 11241
section 3302.03 of the Revised Code or for progress under 11242
division (D) (3) (c) of that section. 11243

(D) Each district board shall utilize and score any 11244
diagnostic assessment administered under division (A) of this 11245
section in accordance with rules established by the department. 11246
After the administration of any diagnostic assessment, each 11247
district shall provide a student's completed diagnostic 11248
assessment, the results of such assessment, and any other 11249
accompanying documents used during the administration of the 11250
assessment to the parent of that student, and shall include all 11251
such documents and information in any plan developed for the 11252
student under division (C) of section 3313.608 of the Revised 11253
Code. Each district shall submit to the department, in the 11254

manner the department prescribes, the results of the diagnostic 11255
assessments administered under this section, regardless of the 11256
type of assessment used under section 3313.608 of the Revised 11257
Code. The department may issue reports with respect to the data 11258
collected. The department may report school and district level 11259
kindergarten diagnostic assessment data and use diagnostic 11260
assessment data to calculate the measures prescribed by 11261
divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 11262
of the Revised Code and the data reported under division (D) (2) 11263
(e) of that section. 11264

(E) Each district board shall provide intervention 11265
services to students whose diagnostic assessments show that they 11266
are failing to make satisfactory progress toward attaining the 11267
academic standards for their grade level. 11268

(F) ~~Beginning in the 2018-2019 school year, any~~ Any 11269
chartered nonpublic school may elect to administer the 11270
kindergarten readiness assessment to all kindergarten students 11271
enrolled in the school. If the school so elects, the chief 11272
administrator of the school shall notify the ~~superintendent of~~ 11273
~~public instruction~~ department not later than the thirty-first 11274
day of March prior to any school year in which the school will 11275
administer the assessment. The department shall furnish the 11276
assessment to the school at no cost to the school. In 11277
administering the assessment, the school shall do all of the 11278
following: 11279

(1) Enter into a written agreement with the department 11280
specifying that the school will share each participating 11281
student's assessment data with the department and, that for the 11282
purpose of reporting the data to the department, each 11283
participating student will be assigned a data verification code 11284

as described in division (D) (2) of section 3301.0714 of the Revised Code;

(2) Require the assessment to be administered by a teacher certified under section 3301.071 of the Revised Code who either has completed training on administering the kindergarten readiness assessment provided by the department or has been trained by another person who has completed such training;

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

~~(G) Beginning in the 2019-2020 school year, a A school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be approved by the school district board of education.~~

Sec. 3301.0716. Notwithstanding division (D) of section 3301.0714 of the Revised Code, the department of education and workforce may have access to personally identifiable information about any student under the following circumstances:

(A) An entity with which the department contracts for the scoring of assessments administered under section 3301.0711 or 3301.0712 of the Revised Code has notified the department that the student's written response to a question on an assessment included threats or descriptions of harm to another person or the student's self and the information is necessary to enable the department to identify the student for purposes of notifying

the school district or school in which the student is enrolled 11314
of the potential for harm. 11315

(B) The department requests the information to respond to 11316
an appeal from a school district or school for verification of 11317
the accuracy of the student's score on an assessment 11318
administered under section 3301.0711 or 3301.0712 of the Revised 11319
Code. 11320

(C) The department requests the information to determine 11321
whether the student satisfies the alternative conditions for a 11322
high school diploma prescribed in section 3313.615 of the 11323
Revised Code. 11324

Sec. 3301.0717. In addition to the duties imposed on it by 11325
law, the ~~state board~~ department of education and workforce shall 11326
establish and submit to the governor and the general assembly a 11327
clear and measurable set of goals with specific timetables for 11328
their achievement. The goals shall be established for programs 11329
designed to accomplish: 11330

(A) A reduction in rates of retention in grade; 11331

(B) Reductions in the need for remedial courses; 11332

(C) Reductions in the student dropout rate; 11333

(D) Improvements in scores on standardized tests; 11334

(E) Increases in satisfactory completion of high school 11335
achievement tests; 11336

(F) Increases in American college test scores; 11337

(G) Increases in the rate of college entry; 11338

(H) Reductions in the need for remedial courses for first- 11339
year college students. 11340

In July of each odd-numbered year, the ~~state board of~~ 11341
~~education department~~ shall submit a report on progress made 11342
toward these goals to the governor and the general assembly. 11343

Sec. 3301.0718. The ~~state board~~ department of education 11344
and workforce shall not adopt or revise any standards or 11345
curriculum in the area of health unless, by concurrent 11346
resolution, the standards, curriculum, or revisions are approved 11347
by both houses of the general assembly. Before the house of 11348
representatives or senate votes on a concurrent resolution 11349
approving health standards, curriculum, or revisions, its 11350
standing committee having jurisdiction over education 11351
legislation shall conduct at least one public hearing on the 11352
standards, curriculum, or revisions. 11353

Sec. 3301.0719. (A) As used in this section, "business 11354
education" includes, but is not limited to, accounting, career 11355
development, economics and personal finance, entrepreneurship, 11356
information technology, management, and marketing. 11357

(B) ~~the state board~~ The department of education and 11358
workforce shall adopt standards for business education in grades 11359
seven through twelve. The standards shall incorporate existing 11360
business education standards as appropriate to help guide 11361
instruction in the state's schools. The department shall provide 11362
the standards, and any revisions of the standards, to all school 11363
districts, community schools established under Chapter 3314. of 11364
the Revised Code, and STEM schools established under Chapter 11365
3326. of the Revised Code. Any school district, community school 11366
or STEM school may utilize the standards. Standards adopted 11367
under this division shall supplement, and not supersede, 11368
academic content standards adopted under section 3301.079 of the 11369
Revised Code. 11370

Sec. 3301.0720. The ~~state board~~ department of education 11371
and workforce shall recommend all of the following to school 11372
districts in connection with the teaching of secondary school 11373
sciences: 11374

(A) A suggested curriculum for the teaching of chemistry, 11375
physics, biology, and whatever additional sciences the ~~state~~ 11376
~~board~~ department may select; 11377

(B) Lists of minimum supplies and equipment necessary for 11378
the teaching of each science for which a curriculum is suggested 11379
under division (A) of this section, with special emphasis on 11380
recommended safety equipment; 11381

(C) Acquisition and replacement schedules for the supplies 11382
and equipment listed under division (B) of this section. The 11383
schedules shall ensure availability of at least minimum 11384
inventories in every high school. 11385

(D) Suggested safety procedures, including all of the 11386
following: 11387

(1) Training for students and teachers in the safe 11388
handling and use of hazardous and potentially hazardous 11389
materials and equipment; 11390

(2) Methods of safely storing and disposing of hazardous 11391
and potentially hazardous materials; 11392

(3) Provisions for a biennial assessment of each high 11393
school's safety equipment and procedures by someone other than 11394
the school personnel directly responsible for them, and 11395
recommended procedures for making the results of any assessment 11396
available to the public. 11397

Sec. 3301.0721. (A) The ~~superintendent of public~~ 11398

~~instruction department of education and workforce~~ shall develop 11399
a model curriculum for instruction in college and career 11400
readiness and financial literacy. The curriculum shall focus on 11401
grades seven through twelve, but ~~the superintendent~~ may include 11402
other grade levels. When the model curriculum has been 11403
developed, the ~~department of education~~ shall notify all school 11404
districts, community schools established under Chapter 3314. of 11405
the Revised Code, and STEM schools established under Chapter 11406
3326. of the Revised Code of the content of the curriculum. Any 11407
district or school may utilize the model curriculum. 11408

(B) ~~The state board of education~~ director of education and 11409
workforce, in collaboration with the director of public safety, 11410
shall develop a model curriculum for instruction in grades nine 11411
through twelve on proper interactions with peace officers during 11412
traffic stops and other in-person encounters with peace 11413
officers. In developing the curriculum under division (B) of 11414
this section, ~~the state board and the director~~ directors may 11415
consult with any interested party, including a volunteer work 11416
group convened for the purpose of making recommendations 11417
regarding the instruction. Before finalizing any curriculum 11418
under division (B) of this section, ~~the state board and the~~ 11419
~~director~~ directors shall provide a reasonable period for public 11420
comment. The curriculum shall include both of the following: 11421

(1) Information regarding all of the following: 11422

(a) A person's rights during an interaction with a peace 11423
officer; 11424

(b) Proper actions for interacting with a peace officer; 11425

(c) Which individuals are considered peace officers, and 11426
their duties and responsibilities; 11427

(d) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws.

(2) Demonstrations and role-play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold.

As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.

Sec. 3301.0723. (A) The independent contractor engaged by the department of education and workforce to create and maintain for school districts and community schools the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. The contractor also shall provide that code to the department of education and workforce.

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education and workforce in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D) (2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

Sec. 3301.0725. A school district may employ certificated instructional personnel for hours outside of the normal school day for the purpose of providing extended programming. Extended programming, as defined by rule of the ~~state board~~ department of education and workforce, shall be based upon learner needs and, if applicable, business and industry validated standards and competencies and shall enhance student learning opportunities. Extended programming shall be subject to the requirements of sections 3313.6018 and 3313.6019 of the Revised Code.

No rule of the ~~state board~~ department shall require extended programming employment of certificated instructional personnel as a condition of eligibility for funding under any other section of the Revised Code.

Sec. 3301.0726. (A) The department of education and workforce shall develop a packet of high school instructional materials on personal financial responsibility, including instructional materials on the avoidance of credit card abuse, and shall distribute that packet to all school districts. The board of education of any school district may adopt part or all of the materials included in the packet for incorporation into the district's curriculum.

(B) The ~~department of education~~ shall include supplemental 11487
instructional materials on the development of handwriting as a 11488
universal skill in the English language arts model curriculum 11489
under division (B) of section 3301.079 of the Revised Code for 11490
grades kindergarten through five. The instructional materials 11491
shall be designed to enable students to print letters and words 11492
legibly by grade three and create readable documents using 11493
legible cursive handwriting by the end of grade five. The 11494
instructional materials shall be included in the model 11495
curriculum not later than ~~the first day of July that next~~ 11496
~~succeeds the effective date of this amendment~~ July 1, 2019, and, 11497
thereafter, shall periodically be updated. 11498

Sec. 3301.0728. Notwithstanding anything in the Revised 11499
Code to the contrary, a student may retake any end-of-course 11500
examination prescribed under division (B) (2) of section 11501
3301.0712 of the Revised Code during the student's academic 11502
career at a time designated by the department of education and 11503
workforce. If, for any reason, a student does not take an end- 11504
of-course examination on the scheduled administration date, the 11505
~~department of education~~ shall make available to the student the 11506
examination for which the student was absent, or a substantially 11507
similar examination as determined by the department, so that the 11508
student may take the examination or a substantially similar 11509
examination at a later time in the student's academic career. 11510
~~The state board of education~~ department shall adopt rules in 11511
accordance with Chapter 119. of the Revised Code to implement 11512
the provisions of this section. 11513

Sec. 3301.0730. (A) As used in this section: 11514

(1) "Education management information system" means the 11515
integrated system of statewide data collecting, reporting, and 11516

compiling for school districts and schools prescribed under 11517
section 3301.0714 of the Revised Code. 11518

(2) "EMIS guidelines" means any guidance issued by the 11519
department of education and workforce containing the student, 11520
staff, and financial information to be collected and reported, 11521
along with data-element definitions, procedures, and guidelines 11522
necessary to implement the education management information 11523
system. 11524

(B) ~~Not later than June 1, 2021, the~~ The department shall 11525
develop a procedure that permits users of the education 11526
management information system to review and provide comment on 11527
new or updated EMIS guidelines. The procedure shall satisfy all 11528
of the following conditions: 11529

(1) The department shall post a copy of the proposed new 11530
or updated EMIS guidelines on the department's web site. The 11531
department shall solicit comment from EMIS users on the proposed 11532
guidelines for thirty consecutive days. 11533

(2) The department shall respond to comments provided by 11534
users and may revise the proposed new or updated EMIS guidelines 11535
based on comments provided by users within thirty consecutive 11536
days after the comment period closes. 11537

(3) The department shall post the final new or updated 11538
EMIS guidelines on its web site at the end of the response 11539
period for thirty consecutive days for a final review by EMIS 11540
users. The new or updated guidelines shall take effect after 11541
that period ends. 11542

(C) Except as provided in division (D) of this section, if 11543
the department develops new or updated EMIS guidelines to 11544
implement a program, initiative, or policy, the department shall 11545

use the procedures prescribed under division (B) of this 11546
section. ~~For any such new or updated guidelines proposed to be~~ 11547
~~effective for the 2021-2022 school year, the department shall~~ 11548
~~initiate the procedures not later than June 15, 2021. For any~~ 11549
~~such new or updated guidelines proposed to be effective for a~~ 11550
~~subsequent school year, the~~ The department shall initiate the 11551
procedures not later than the fifteenth day of May immediately 11552
prior to the beginning of ~~that the~~ school year for which the new 11553
or updated EMIS guidelines will be effective. 11554

(D) On and after June 1, 2021, the department shall use 11555
the procedure prescribed under division (B) of this section for 11556
any new or updated EMIS guidelines developed by the department 11557
for the purposes of implementing any of the following: 11558

(1) A newly enacted state or federal law; 11559

(2) A new or updated federal rule; 11560

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 11561
education department. 11562

(E) The department shall not be required to use the 11563
procedure prescribed under division (B) of this section when 11564
issuing any of the following: 11565

(1) Updated EMIS guidelines to address issues that are not 11566
substantive, such as correcting grammatical errors; 11567

(2) Updated EMIS guidelines to address unforeseen 11568
technical errors; 11569

(3) Supplemental documents regarding EMIS guidelines and 11570
the education management information system, including documents 11571
that do any of the following: 11572

(a) Clarify the implementation of EMIS guidelines; 11573

(b) Answer questions submitted by users of the education management system; 11574
11575

(c) Provide training regarding the education management information system. 11576
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(F) Additionally, the department shall establish both of the following: 11578
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(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts; 11580
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(2) Uniform training programs for all personnel employed by the department to administer the education management information system. 11585
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Sec. 3301.0731. The minimum education standards prescribed by the director of education and workforce for nonchartered nonpublic schools under section 3301.07 of the Revised Code shall comply with this section. 11588
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(A) A nonchartered nonpublic school that is not seeking a charter from the department of education and workforce because of truly held religious beliefs shall annually certify in a report to the parents of its pupils that the school meets minimum education standards for nonchartered nonpublic schools as described in this section. A copy of the report shall be filed with the department of education and workforce on or before the thirtieth day of September of each year. 11592
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(B) A nonchartered nonpublic school shall be open for instruction with pupils in attendance for not less than four hundred fifty-five hours in the case of pupils in kindergarten 11600
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unless such pupils are provided all-day kindergarten, in which 11603
case the pupils shall be in attendance for nine hundred ten 11604
hours; nine hundred ten hours in the case of pupils in grades 11605
one through six; and one thousand one hours in the case of 11606
pupils in grades seven through twelve in each school year. 11607

(C) The parents of a child enrolled in a nonchartered 11608
nonpublic school shall be responsible for reporting their 11609
child's enrollment or withdrawal from that school to the 11610
treasurer of the board of education of the city, exempted 11611
village, or local school district in which the pupil resides. 11612
Pupil attendance is reported for the purposes of facilitating 11613
the administration of laws relating to compulsory education and 11614
the employment of minors. An individual in charge of the 11615
nonchartered nonpublic school may, as a matter of convenience, 11616
provide the report to the treasurer on behalf of the parents. 11617

The attendance report shall include the name, age, and 11618
place of residence of each pupil below eighteen years of age. 11619
The report shall be made within the first two weeks of the 11620
beginning of each school year. In the case of pupil withdrawal 11621
or entrance during the school year, notice shall be given to the 11622
treasurer of the appropriate board of education within the first 11623
week of the next school month. 11624

(D) Teachers and administrators at nonchartered nonpublic 11625
schools shall hold at least a bachelor's degree, or the 11626
equivalent, from a recognized college or university. 11627

(E) The curriculum of each nonchartered nonpublic school 11628
shall include the study of the following subjects: 11629

(1) Language arts; 11630

(2) Geography, the history of the United States and Ohio, 11631

<u>and national, state, and local government;</u>	11632
<u>(3) Mathematics;</u>	11633
<u>(4) Science;</u>	11634
<u>(5) Health;</u>	11635
<u>(6) Physical education;</u>	11636
<u>(7) The fine arts, including music;</u>	11637
<u>(8) First aid, safety, and fire prevention;</u>	11638
<u>(9) Other subjects as prescribed by the nonchartered</u> <u>nonpublic school.</u>	11639 11640
<u>(F) Each nonchartered nonpublic school shall follow</u> <u>regular procedures for promotion from grade to grade for pupils</u> <u>who have met the school's educational requirements.</u>	11641 11642 11643
<u>(G) Each nonchartered nonpublic school shall comply with</u> <u>all applicable health, fire, and safety laws.</u>	11644 11645
<u>(H) Pupils attending a nonchartered nonpublic school shall</u> <u>not be entitled to pupil transportation or auxiliary services. A</u> <u>nonchartered nonpublic school is not entitled to reimbursement</u> <u>for administrative costs.</u>	11646 11647 11648 11649
Sec. 3301.10. The superintendent of public instruction <u>director of education and workforce</u> shall be a member of the board of trustees of the Ohio history connection, in addition to the members constituting such board.	11650 11651 11652 11653
Sec. 3301.11. The superintendent of public instruction shall be the executive and administrative officer of the state board of education in its administration of all educational matters and functions placed under its management and control. He <u>The superintendent</u> shall execute, under the direction of the	11654 11655 11656 11657 11658

state board of education, the educational policies, orders, 11659
directives, and administrative functions of the board, ~~and shall~~ 11660
~~direct, under rules and regulations adopted by the board, the~~ 11661
~~work of all persons employed in the state department of~~ 11662
education. 11663

Upon the request of the state board of education, the 11664
superintendent of public instruction shall report to the board 11665
on any matter. 11666

Sec. 3301.111. (A) The state board of education is 11667
responsible for the adoption of requirements for educator 11668
licensure, licensee disciplinary actions, school district 11669
territory transfer determinations, and such other powers and 11670
duties expressly prescribed for the state board under the law, 11671
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 11672
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 11673
Revised Code. In exercising any of its powers or duties, 11674
including adopting rules prescribing license requirements, the 11675
state board is subject to Chapter 119. of the Revised Code. 11676

(B) The state board shall make recommendations to the 11677
director of education and workforce regarding priorities for 11678
primary and secondary education. The state board may request the 11679
assistance of the department of education and workforce in 11680
exercising the state board's powers and duties. To the extent 11681
the director determines such assistance necessary and 11682
practicable, the department shall provide the requested 11683
assistance. 11684

(C) The state board shall appoint the superintendent of 11685
public instruction in accordance with Ohio Constitution, Article 11686
VI, Section 4 and section 3301.08 of the Revised Code. The state 11687
superintendent shall be the secretary of the state board and its 11688

executive officer in accordance with sections 3301.09 and 3301.11 of the Revised Code. The state superintendent shall serve as an advisor to the director. 11689
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(D) The state board shall employ such personnel as it determines necessary to carry out its duties and powers. Subject to the state board's policies, rules, and regulations, the state superintendent shall exercise general supervision of the state board's employees, as prescribed in section 3301.11 of the Revised Code, and may appoint, fix the salary, and terminate the employment of such employees. 11692
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(E) The state board is subject to all provisions of law pertaining to departments, offices, or institutions established for the exercise of any function of the state government, except that it is not one of the departments provided for under division (A) of section 121.01 of the Revised Code. 11699
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(F) The headquarters of the state board shall be at the seat of government, where office space suitable and adequate for the work of the state board shall be provided by the appropriate state agency. There the state board shall meet and transact its business, unless the state board chooses to meet elsewhere in Ohio as provided by section 3301.04 of the Revised Code. There the records of the state board and the records, papers, and documents belonging to the state board shall be kept in charge of the state superintendent. 11704
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Sec. 3301.12. (A) The ~~superintendent of public instruction~~ director of education and workforce, in addition to the authority otherwise imposed on the ~~superintendent~~ director, shall perform the following duties: 11713
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(1) ~~The superintendent shall provide~~ Provide technical and 11717

professional assistance and advice to all school districts in 11718
reference to all aspects of education, including finance, 11719
buildings and equipment, administration, organization of school 11720
districts, curriculum and instruction, transportation of pupils, 11721
personnel problems, and the interpretation of school laws and 11722
state regulations. ~~;~~ 11723

(2) ~~The superintendent shall prescribe~~ Prescribe and 11724
require the preparation and filing of such financial and other 11725
reports from school districts, officers, and employees as are 11726
necessary or proper. ~~The superintendent~~ director shall prescribe 11727
and require the installation by school districts of such 11728
standardized reporting forms and accounting procedures as are 11729
essential to the businesslike operations of the public schools 11730
of the state. 11731

(3) ~~The superintendent shall conduct~~ Conduct such studies 11732
and research projects as are necessary or desirable for the 11733
improvement of public school education in Ohio, ~~and such as may~~ 11734
~~be assigned to the superintendent by the state board of~~ 11735
~~education.~~ Such studies and projects may include analysis of 11736
data contained in the education management information system 11737
established under section 3301.0714 of the Revised Code. For any 11738
study or project that requires the analysis of individual 11739
student data, the department of education and workforce or any 11740
entity with which the ~~superintendent~~ director or department 11741
contracts to conduct the study or project shall maintain the 11742
confidentiality of student data at all times. For this purpose, 11743
the department or contracting entity shall use the data 11744
verification code assigned pursuant to division (D) (2) of 11745
section 3301.0714 of the Revised Code for each student whose 11746
data is analyzed. Except as otherwise provided in division (D) 11747
(1) of section 3301.0714 of the Revised Code, at no time shall 11748

the ~~superintendent~~director, the department, the state board of 11749
education, or any entity conducting a study or research project 11750
on the ~~superintendent's~~director's behalf have access to a 11751
student's name, address, or social security number while 11752
analyzing individual student data. 11753

(4) ~~The superintendent shall prepare~~ Prepare and submit 11754
annually ~~to the state board of education~~ a report of the 11755
activities of the department ~~of education~~ and the status, 11756
problems, and needs of education in the state ~~of Ohio.~~; 11757

(5) ~~The superintendent shall supervise~~ Supervise all 11758
agencies over which the ~~board~~ department exercises 11759
administrative control, including schools for education of 11760
persons with disabilities. 11761

(6) In accordance with section 3333.048 of the Revised 11762
Code, the ~~superintendent, director,~~ jointly with the chancellor 11763
of the ~~Ohio board of regents,~~higher education, shall establish 11764
metrics and courses of study for institutions of higher 11765
education that prepare educators and other school personnel and 11766
shall provide for inspection of those institutions. 11767

(B) ~~The superintendent of public instruction~~ director may 11768
annually inspect and analyze the expenditures of each school 11769
district and make a determination as to the efficiency of each 11770
district's costs, relative to other school districts in the 11771
state, for instructional, administrative, and student support 11772
services. ~~The superintendent~~ director shall notify each school 11773
district as to the nature of, and reasons for, the 11774
determination. ~~The state board of education~~ director shall adopt 11775
rules in accordance with Chapter 119. of the Revised Code 11776
setting forth the procedures and standards for the performance 11777
of the inspection and analysis. 11778

Sec. 3301.121. (A) In addition to the duties and 11779
responsibilities of the ~~superintendent of public instruction~~ 11780
director of education and workforce set forth in section 3301.12 11781
of the Revised Code, the ~~superintendent~~ director, in accordance 11782
with this section and section 3313.662 of the Revised Code, 11783
shall conduct an adjudication procedure to determine whether to 11784
permanently exclude from attending any of the public schools of 11785
this state any pupil who is the subject of a resolution 11786
forwarded to the ~~superintendent~~ director by a board of education 11787
pursuant to division (D) of section 3313.662 of the Revised 11788
Code. 11789

(B) (1) Except as provided in division (B) (3) of this 11790
section, within fourteen days after receipt of a resolution 11791
forwarded by a board of education pursuant to division (D) of 11792
section 3313.662 of the Revised Code, the ~~superintendent of~~ 11793
~~public instruction~~ director or the ~~superintendent's~~ director's 11794
designee shall provide the pupil who is the subject of the 11795
resolution and that pupil's parent, guardian, or custodian with 11796
a notice of an opportunity for an adjudication hearing on the 11797
proposed permanent exclusion of the pupil from attending any of 11798
the public schools of this state. The notice shall include all 11799
of the following: 11800

(a) The date, time, and place of the permanent exclusion 11801
adjudication hearing; 11802

(b) A statement informing the pupil and the pupil's 11803
parent, guardian, or custodian that the pupil may attend the 11804
adjudication hearing at the date, time, and place set forth in 11805
the notice, that the failure of the pupil or the pupil's parent, 11806
guardian, or custodian to attend the adjudication hearing will 11807
result in a waiver of the pupil's right to present evidence, 11808

testimony, and factors in mitigation of the pupil's permanent 11809
exclusion at an adjudication hearing on the proposed permanent 11810
exclusion, and that the pupil shall be accorded all of the 11811
following rights: 11812

(i) The right to testify, to present evidence and the 11813
testimony of witnesses, and to confront, cross-examine, and 11814
compel the attendance of witnesses; 11815

(ii) The right to a record of the hearing; 11816

(iii) The right to written findings. 11817

(c) A statement informing the pupil and the pupil's 11818
parent, guardian, or custodian that the pupil has the right to 11819
be represented by counsel at the adjudication hearing. 11820

(d) A statement informing the pupil and the pupil's 11821
parent, guardian, or custodian that, if the pupil by failing to 11822
attend the hearing waives the pupil's right to present evidence, 11823
testimony, and factors in mitigation of the pupil's permanent 11824
exclusion at an adjudication hearing on the proposed permanent 11825
exclusion, the ~~superintendent~~ director is required to review the 11826
information relevant to the permanent exclusion that is 11827
available to the ~~superintendent~~ director and is permitted to 11828
enter an order requiring the pupil's permanent exclusion from 11829
attending any of the public schools of this state at any time 11830
within seven days after the conclusion of the adjudication 11831
hearing. 11832

(2) The ~~superintendent~~ director or the ~~superintendent's~~ 11833
director's designee shall provide the notice required by 11834
division (B)(1) of this section to the pupil and to the pupil's 11835
parent, guardian, or custodian by certified mail or personal 11836
service. 11837

(3) (a) If a pupil who is the subject of a resolution 11838
forwarded to the ~~superintendent of public instruction~~ director 11839
by a board of education pursuant to section 3313.662 of the 11840
Revised Code is in the custody of the department of youth 11841
services pursuant to a disposition under any provision of 11842
Chapter 2152. of the Revised Code, other than division (A) (1) (a) 11843
of section 2152.16 of the Revised Code, at the time the 11844
resolution is forwarded, the department shall notify in writing 11845
the ~~superintendent of public instruction~~ director and the board 11846
of education that forwarded the resolution of that fact. Upon 11847
receipt of the notice, the ~~superintendent~~ director shall delay 11848
providing the notice required by division (B) (1) of this section 11849
and the adjudication of the request for permanent exclusion 11850
until the ~~superintendent~~ director receives further notice from 11851
the department pursuant to division (B) (3) (b) of this section. 11852

(b) At least sixty days before a pupil described in 11853
division (B) (3) (a) of this section will be released from 11854
institutionalization or institutionalization in a secure 11855
facility by the department of youth services, the department 11856
shall notify in writing the ~~superintendent of public instruction~~ 11857
director and the board of education that forwarded the 11858
resolution pursuant to section 3313.662 of the Revised Code of 11859
the impending release and shall provide in that notice 11860
information regarding the extent of the education the pupil 11861
received while in the custody of the department, including 11862
whether the pupil has obtained a certificate of high school 11863
equivalence. 11864

If the pupil has not obtained a certificate of high school 11865
equivalence while in the custody of the department of youth 11866
services, the ~~superintendent of public instruction~~ director 11867
shall provide the notice required by division (B) (1) of this 11868

section and, at least thirty days before the pupil is to be released from institutionalization or institutionalization in a secure facility, conduct an adjudication procedure to determine whether to permanently exclude the pupil from attending the public schools of this state in accordance with this section. If the pupil has obtained a certificate of high school equivalence while in the custody of the department, the ~~superintendent~~ director, in the ~~superintendent's~~ director's discretion, may conduct the adjudication.

(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 11899
by the ~~superintendent~~ director may conduct an adjudication 11900
hearing to determine whether to permanently exclude a pupil in 11901
one of the following counties: 11902

(a) The county in which the ~~superintendent~~ director holds 11903
the ~~superintendent's~~ director's office; 11904

(b) Upon the request of the pupil or the pupil's parent, 11905
guardian, custodian, or attorney, in the county in which the 11906
board of education that forwarded the resolution requesting the 11907
permanent exclusion is located if the ~~superintendent~~ director, 11908
in the ~~superintendent's~~ director's discretion and upon 11909
consideration of evidence of hardship presented on behalf of the 11910
requesting pupil, determines that the hearing should be 11911
conducted in that county. 11912

(2) The ~~superintendent of public instruction~~ director or a 11913
referee appointed by the ~~superintendent~~ director shall conduct 11914
an adjudication hearing on a proposed permanent exclusion of a 11915
pupil. The referee may be an attorney admitted to the practice 11916
of law in this state but shall not be an attorney that 11917
represents the board of education that forwarded the resolution 11918
requesting the permanent exclusion. 11919

(3) The ~~superintendent~~ director or referee who conducts an 11920
adjudication hearing under this section may administer oaths, 11921
issue subpoenas to compel the attendance of witnesses and 11922
evidence, and enforce the subpoenas by a contempt proceeding in 11923
the court of common pleas as provided by law. The ~~superintendent~~ 11924
director or referee may require the separation of witnesses and 11925
may bar from the proceedings any person whose presence is not 11926
essential to the proceedings. 11927

(4) The ~~superintendent of public instruction~~ director 11928
shall request the department of rehabilitation and correction, 11929
the sheriff, the department of youth services, or any publicly 11930
funded out-of-home care entity that has legal custody of a pupil 11931
who is the subject of an adjudication hearing held pursuant to 11932
this section to transport the pupil to the place of the 11933
adjudication hearing at the time and date set for the hearing. 11934
The department, sheriff, or publicly funded out-of-home care 11935
entity that receives the request shall provide transportation 11936
for the pupil who is the subject of the adjudication hearing to 11937
the place of the hearing at the time and date set for the 11938
hearing. The department, sheriff, or entity shall pay the cost 11939
of transporting the pupil to and from the hearing. 11940

(E) (1) An adjudication hearing held pursuant to this 11941
section shall be adversary in nature, shall be conducted fairly 11942
and impartially, and may be conducted without the formalities of 11943
a criminal proceeding. A pupil whose permanent exclusion is 11944
being adjudicated has the right to be represented by counsel at 11945
the adjudication hearing. If the pupil has the financial 11946
capacity to retain counsel, the ~~superintendent~~ director or the 11947
referee is not required to provide counsel for the pupil. At the 11948
adjudication hearing, the pupil also has the right to cross- 11949
examine witnesses against the pupil, to testify, to present 11950
evidence and the testimony of witnesses on the pupil's behalf, 11951
and to raise factors in mitigation of the pupil's being 11952
permanently excluded. 11953

(2) In an adjudication hearing held pursuant to this 11954
section and section 3313.662 of the Revised Code, a 11955
representative of the school district of the board of education 11956
that adopted and forwarded the resolution requesting the 11957
permanent exclusion of the pupil shall present the case for 11958

permanent exclusion to the ~~superintendent~~ director or the 11959
referee. The representative of the school district may be an 11960
attorney admitted to the practice of law in this state. At the 11961
adjudication hearing, the representative of the school district 11962
shall present evidence in support of the requested permanent 11963
exclusion. The ~~superintendent~~ director or the ~~superintendent's~~ 11964
director's designee shall consider the entire school record of 11965
the pupil who is the subject of the adjudication and shall 11966
consider any of the following information that is available: 11967

(a) The academic record of the pupil and a record of any 11968
extracurricular activities in which the pupil previously was 11969
involved; 11970

(b) The disciplinary record of the pupil and any available 11971
records of the pupil's prior behavioral problems other than the 11972
behavioral problems contained in the disciplinary record; 11973

(c) The social history of the pupil; 11974

(d) The pupil's response to the imposition of prior 11975
discipline and sanctions imposed for behavioral problems; 11976

(e) Evidence regarding the seriousness of and any 11977
aggravating factors related to the offense that is the basis of 11978
the resolution seeking permanent exclusion; 11979

(f) Any mitigating circumstances surrounding the offense 11980
that gave rise to the request for permanent exclusion; 11981

(g) Evidence regarding the probable danger posed to the 11982
health and safety of other pupils or of school employees by the 11983
continued presence of the pupil in a public school setting; 11984

(h) Evidence regarding the probable disruption of the 11985
teaching of any school district's graded course of study by the 11986

continued presence of the pupil in a public school setting; 11987

(i) Evidence regarding the availability of alternative 11988
sanctions of a less serious nature than permanent exclusion that 11989
would enable the pupil to remain in a public school setting 11990
without posing a significant danger to the health and safety of 11991
other pupils or of school employees and without posing a threat 11992
of the disruption of the teaching of any district's graded 11993
course of study. 11994

(3) In any adjudication hearing conducted pursuant to this 11995
section and section 3313.662 of the Revised Code, a court order 11996
that proves the adjudication or conviction that is the basis for 11997
the resolution of the board of education seeking permanent 11998
exclusion is sufficient evidence to prove that the pupil 11999
committed a violation as specified in division (F)(1) of this 12000
section. 12001

(4) The ~~superintendent~~ director or the referee shall make 12002
or cause to be made a record of any adjudication hearing 12003
conducted pursuant to this section. 12004

(5) A referee who conducts an adjudication hearing 12005
pursuant to this section shall promptly report the referee's 12006
findings in writing to the ~~superintendent~~ director at the 12007
conclusion of the adjudication hearing. 12008

(F) If an adjudication hearing is conducted or a 12009
determination is made pursuant to this section and section 12010
3313.662 of the Revised Code, the ~~superintendent~~ director shall 12011
review and consider the evidence presented, the entire school 12012
record of the pupil, and any available information described in 12013
divisions (E)(2)(a) to (i) of this section and shall not enter 12014
an order of permanent exclusion unless the ~~superintendent~~ 12015

director or the ~~superintendent's~~ appointed referee finds, by a preponderance of the evidence, both of the following:

(1) That the pupil was convicted of or adjudicated a delinquent child for committing a violation listed in division (A) of section 3313.662 of the Revised Code and that the violation was committed when the child was sixteen years of age or older;

(2) That the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees.

(G) (1) Within seven days after the conclusion of an adjudication hearing that is conducted pursuant to this section, the ~~superintendent of public instruction~~ director shall enter an order in relation to the permanent exclusion of the pupil who is the subject of the hearing or determination.

(2) If the ~~superintendent~~ director or a referee makes the findings described in divisions (F) (1) and (2) of this section, the ~~superintendent~~ director shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

(a) A copy of the order of permanent exclusion;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent

exclusion pursuant to division (I) of this section if a final 12045
judicial determination reverses the conviction or adjudication 12046
that was the basis for the permanent exclusion; 12047

(c) A statement informing the pupil and the pupil's 12048
parent, guardian, or custodian of the provisions of divisions 12049
(F), (G), and (H) of section 3313.662 of the Revised Code. 12050

(3) If the ~~superintendent~~ director or a referee does not 12051
make the findings described in divisions (F)(1) and (2) of this 12052
section, the ~~superintendent~~ director shall issue a written order 12053
that rejects the resolution of the board of education and 12054
immediately shall send written notice of that fact to the board 12055
of education that forwarded the resolution, to the pupil who was 12056
the subject of the proposed resolution, and to that pupil's 12057
parent, guardian, or custodian. 12058

(H) A pupil may appeal an order of permanent exclusion 12059
made by the ~~superintendent of public instruction~~ director 12060
pursuant to this section and section 3313.662 of the Revised 12061
Code to the court of common pleas of the county in which the 12062
board of education that forwarded the resolution requesting the 12063
permanent exclusion is located. The appeal shall be conducted in 12064
accordance with Chapter 2505. of the Revised Code. 12065

(I) If a final judicial determination reverses the 12066
conviction or adjudication that is the basis of a permanent 12067
exclusion ordered under this section, the ~~superintendent of~~ 12068
~~public instruction~~ director, upon receipt of a certified copy of 12069
an order reflecting that final determination from the pupil or 12070
that pupil's parent, guardian, custodian, or attorney, shall 12071
revoke the order of permanent exclusion. 12072

(J) As used in this section: 12073

(1) "Permanently exclude" and "permanent exclusion" have 12074
the same meanings as in section 3313.662 of the Revised Code. 12075

(2) "Out-of-home care" and "legal custody" have the same 12076
meanings as in section 2151.011 of the Revised Code. 12077

(3) "Certificate of high school equivalence" has the same 12078
meaning as in section 4109.06 of the Revised Code. 12079

Sec. 3301.13. (A) The department of education and 12080
workforce is hereby created. The department shall be headed by 12081
the director of education and workforce, who shall be appointed 12082
by the governor with the advice and consent of the senate. 12083

(B) The department consists of the following divisions: 12084

(1) The division of primary and secondary education, which 12085
shall be headed by a deputy director appointed by the director 12086
with the advice and consent of the senate; 12087

(2) The division of career-technical education, which 12088
shall be headed by a deputy director appointed by the director 12089
with the advice and consent of the senate. 12090

(C) All powers and duties regarding primary, secondary, 12091
special, and career-technical education granted to the state 12092
board, the state superintendent, or the former department of 12093
education, as prescribed by law in effect prior to the effective 12094
date of this section, except those prescribed for the state 12095
board of education as described in section 3301.111 of the 12096
Revised Code, are transferred to the director of education and 12097
workforce, who may delegate those duties and powers to the 12098
division of primary and secondary education or the division of 12099
career-technical education as the director determines 12100
appropriate. 12101

(D) The department of education and workforce is subject 12102
to all provisions of law pertaining to departments, offices, or 12103
institutions established for the exercise of any function of the 12104
state government and is subject to Chapter 119. of the Revised 12105
Code. The headquarters of the department of education and 12106
workforce is at the seat of government, where office space 12107
suitable and adequate for the work of the department shall be 12108
provided by the appropriate state agency. 12109

(E) (1) The director is responsible for administrative 12110
rules adopted by the department for the implementation of the 12111
powers and duties of the department. 12112

(2) In accordance with section 106.042 of the Revised 12113
Code, the general assembly, by adopting a concurrent resolution, 12114
may rescind or invalidate any rule adopted by the director under 12115
section 111.15 or Chapter 119. of the Revised Code. 12116

(F) The director shall employ such personnel as the 12117
director determines necessary to carry out the duties and powers 12118
of the department of education and workforce. 12119

(G) No individual shall hold the office of, or serve on an 12120
interim basis for more than forty-five days, as any of the 12121
following without being appointed with the advice and consent of 12122
the senate as described in this section: 12123

(1) Director of education and workforce; 12124

(2) Deputy director of primary and secondary education; 12125

(3) Deputy director of career-technical education. 12126

(H) At least once each general assembly the director, the 12127
deputy directors, and the superintendent of public instruction 12128
jointly shall conduct a public presentation before the standing 12129

committees of the house of representatives and the senate that 12130
consider primary and secondary education legislation regarding 12131
the activities and accomplishments of the department, the 12132
department's divisions, and the state board of education. The 12133
director, deputy directors, and state superintendent also shall 12134
conduct additional public presentations before either committee 12135
upon request of the committee's chair. 12136

Sec. 3301.131. The department of education and workforce 12137
shall encourage, seek out, and publicize to the general public 12138
and the school districts of this state, innovative and exemplary 12139
school-parent and school-business partnerships. The board of 12140
education of a district involved in such a partnership shall 12141
cooperate with the department by providing information about the 12142
partnership. As used in this section: 12143

(A) "School-parent partnership" means a program that 12144
actively involves parents of students in the decision-making 12145
process of the school district or individual schools within the 12146
district; 12147

(B) "School-business partnership" means a program in this 12148
state in which businesses, labor organizations, associations, 12149
foundations, or other persons, assist local schools in preparing 12150
children for employment or higher education, and may include 12151
programs involving work experience, mentoring, tutoring, 12152
incentive grants, or the use of corporate facilities and 12153
equipment. 12154

Sec. 3301.132. Beginning on the effective date of this 12155
section, neither the director nor the department of education 12156
and workforce shall prescribe or adopt any additional rules 12157
regarding home education or nonchartered nonpublic schools. 12158

Sec. 3301.133. As used in this section, "form" means any 12159
report, document, paper, computer software program, or other 12160
instrument used in the management information system created by 12161
section 3301.0714 of the Revised Code or used to gather required 12162
or requested education data under division (I) of section 12163
3301.07 of the Revised Code or any other provision of state or 12164
federal statute or rule. 12165

(A) The organization of the department of education and 12166
workforce shall include an identifiable organizational unit that 12167
deals with the management of any education data that the 12168
department gathers, processes, uses, or reports. The 12169
~~superintendent of public instruction~~ director of education and 12170
workforce shall assign employees to this unit or employ persons 12171
for this unit who are trained and experienced in data management 12172
and the design of forms and who understand the data needs of the 12173
department ~~of education~~. The ~~superintendent~~ director shall 12174
provide a sufficient number of such employees for the unit to 12175
perform its duties in an effective and timely manner. 12176

(B) The unit established pursuant to division (A) of this 12177
section shall: 12178

(1) Review each new form or modification of any existing 12179
form that the ~~state board, the superintendent of public~~ 12180
~~instruction, or the department of education~~ proposes to put into 12181
use ~~on or after July 1, 1992~~. In conducting the review of any 12182
form, the unit shall evaluate it utilizing at least the criteria 12183
specified under division (C) of this section. The unit shall 12184
report in writing to the ~~superintendent of public instruction~~ 12185
director whether the form satisfies the criteria specified under 12186
division (C) of this section, and if not, the reasons why it 12187
does not. Each report shall include recommendations regarding 12188

the simplification, consolidation, or elimination of the 12189
proposed form or any other forms related to the proposed form 12190
that would enable all the criteria specified under division (C) 12191
of this section to be met. 12192

(2) Regularly contact and seek to work with other state 12193
and federal agencies that collect and use education data for the 12194
purpose of increasing the efficiency and coordination of data 12195
collection; 12196

(3) Perform any other duties assigned by the 12197
~~superintendent of public instruction~~ director. 12198

(C) In conducting the review of any form pursuant to 12199
division (B)(1) of this section, the unit established under 12200
division (A) of this section shall determine whether the 12201
following criteria are satisfied: 12202

(1) Each data item on the form does not duplicate data 12203
already submitted to the ~~state board, superintendent of public~~ 12204
~~instruction, or department of education~~. 12205

(2) The form cannot be consolidated with any other form 12206
required by the ~~state board, superintendent, or department~~. 12207

(3) The form is required to be submitted no more often 12208
than necessary and no sooner than reasonably necessary prior to 12209
the date on which the data reported on the form will be 12210
initially used. 12211

(4) The stated purpose of the form cannot be met as part 12212
of any other procedure, such as a verification or certification 12213
procedure or other reporting procedure. 12214

(5) If the form or any data item on the form is attributed 12215
to any requirement of state statute, federal statute or rule, or 12216

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 the department.

(B) The department ~~of education~~ shall collect and retain information on the innovative and exemplary parental involvement programs of all schools that have received awards under division (A) of this section. In each fiscal year the department shall publicize to every school district a description of each of the innovative and exemplary parental involvement programs of the schools that have received awards in the immediately preceding

fiscal year. 12246

(C) Any school that receives an award under division (A) 12247
of this section may expend the money on any lawful purpose. 12248

Sec. 3301.135. The department of education and workforce 12249
annually shall compile a list of organizations and companies 12250
that offer free and reduced cost epinephrine autoinjectors to 12251
qualifying school districts, other public schools, and chartered 12252
nonpublic schools. The department shall make this information 12253
readily available on their web site and send a copy of the list 12254
by mail or electronically to each school district, other public 12255
school, and chartered nonpublic school. 12256

As used in this section, "other public school" has the 12257
same meaning as in section 3301.0711 of the Revised Code. 12258

Sec. 3301.136. The department of education and workforce 12259
shall compile a list of tutoring programs that it considers to 12260
be of high quality and have the potential to accelerate learning 12261
for students in the areas of English language arts, mathematics, 12262
science, and social studies. For this purpose, the department 12263
shall request the qualifications of public and private entities 12264
that provide tutoring programs for students. The department 12265
shall establish a rubric to evaluate the programs and determine 12266
a minimum score for a tutoring program to be included on the 12267
department's list. 12268

In compiling the list, the department may designate 12269
individual tutoring programs as more appropriate for certain 12270
grade levels, populations of students, or subject areas. 12271

The department may establish multiple application periods 12272
in any school year for entities to submit their qualifications 12273
for consideration to be included on the list. However, the 12274

department shall post the initial list of tutoring programs on 12275
the department's web site not later than October 1, 2022. No 12276
school district or school shall be required to use a tutoring 12277
program on the list. 12278

Sec. 3301.14. ~~Each year the state board of education~~ The 12279
department of education and workforce shall require a ~~an annual~~ 12280
report of the president, manager, or principal of each seminary, 12281
academy, parochial, or private school. The report shall be made 12282
upon forms furnished by the ~~board~~ department and shall contain a 12283
statement of such facts as it requests. The president, manager, 12284
or principal shall complete and return such forms within a time 12285
fixed by the ~~state board of education~~ department. 12286

Sec. 3301.15. ~~The state board of education~~ department of 12287
education and workforce or its authorized representatives may 12288
inspect all institutions under the control of the department of 12289
job and family services, the department of mental health and 12290
addiction services, the department of developmental 12291
disabilities, and the department of rehabilitation and 12292
correction which employ teachers, and may make a report on the 12293
teaching, discipline, and school equipment in these institutions 12294
to the director of job and family services, the director of 12295
mental health and addiction services, the director of 12296
developmental disabilities, the director of rehabilitation and 12297
correction, and the governor. 12298

Sec. 3301.16. Pursuant to standards prescribed by the 12299
~~state board of education~~ director of education and workforce as 12300
provided in division (D) of section 3301.07 of the Revised Code, 12301
the ~~state board~~ director shall classify and charter school 12302
districts and individual schools within each district except 12303
that no charter shall be granted to a nonpublic school unless 12304

the school complies with divisions (K) (1) and (L) of section 12305
3301.0711, as applicable, and sections 3301.164 and 3313.612 of 12306
the Revised Code. 12307

In the course of considering the charter of a new school 12308
district created under section 3311.26 or 3311.38 of the Revised 12309
Code, the ~~state board~~ director shall require the party proposing 12310
creation of the district to submit to the board a map, certified 12311
by the county auditor of the county in which the proposed new 12312
district is located, showing the boundaries of the proposed new 12313
district. In the case of a proposed new district located in more 12314
than one county, the map shall be certified by the county 12315
auditor of each county in which the proposed district is 12316
located. 12317

The ~~state board~~ director shall revoke the charter of any 12318
school district or school which fails to meet the standards for 12319
elementary and high schools as prescribed by the ~~board~~ director. 12320
The ~~state board~~ director shall also revoke the charter of any 12321
nonpublic school that does not comply with divisions (K) (1) and 12322
(L) of section 3301.0711, if applicable, and sections 3301.164 12323
and 3313.612 of the Revised Code. 12324

In the issuance and revocation of school district or 12325
school charters, the ~~state board~~ director shall be governed by 12326
the provisions of Chapter 119. of the Revised Code. 12327

No school district, or individual school operated by a 12328
school district, shall operate without a charter issued ~~by the~~ 12329
~~state board~~ under this section. 12330

In case a school district charter is revoked pursuant to 12331
this section, the state board of education may dissolve the 12332
school district and transfer its territory to one or more 12333

adjacent districts. An equitable division of the funds, 12334
property, and indebtedness of the school district shall be made 12335
by the state board among the receiving districts. The board of 12336
education of a receiving district shall accept such territory 12337
pursuant to the order of the state board. Prior to dissolving 12338
the school district, the state board shall notify the 12339
appropriate educational service center governing board and all 12340
adjacent school district boards of education of its intention to 12341
do so. Boards so notified may make recommendations to the state 12342
board regarding the proposed dissolution and subsequent transfer 12343
of territory. Except as provided in section 3301.161 of the 12344
Revised Code, the transfer ordered by the state board shall 12345
become effective on the date specified by the state board, but 12346
the date shall be at least thirty days following the date of 12347
issuance of the order. 12348

A high school is one of higher grade than an elementary 12349
school, in which instruction and training are given in 12350
accordance with sections 3301.07 and 3313.60 of the Revised Code 12351
and which also offers other subjects of study more advanced than 12352
those taught in the elementary schools and such other subjects 12353
as may be approved by the ~~state board of education~~ director. 12354

An elementary school is one in which instruction and 12355
training are given in accordance with sections 3301.07 and 12356
3313.60 of the Revised Code and which offers such other subjects 12357
as may be approved by the ~~state board of education~~ director. In 12358
districts wherein a junior high school is maintained, the 12359
elementary schools in that district may be considered to include 12360
only the work of the first six school years inclusive, plus the 12361
kindergarten year. 12362

Sec. 3301.162. (A) If the governing authority of a 12363

chartered nonpublic school intends to close the school, the 12364
governing authority shall notify all of the following of that 12365
intent prior to closing the school: 12366

(1) The department of education and workforce; 12367

(2) The school district that receives auxiliary services 12368
funding under division (E) of section 3317.024 of the Revised 12369
Code on behalf of the students enrolled in the school; 12370

(3) The accrediting association that most recently 12371
accredited the school for purposes of chartering the school in 12372
accordance with the rules of the ~~state board of education~~ 12373
department, if applicable; 12374

(4) If the school has been designated as a STEM school 12375
equivalent under section 3326.032 of the Revised Code, the STEM 12376
committee established under section 3326.02 of the Revised Code. 12377

The notice shall include the school year and, if possible, 12378
the actual date the school will close. 12379

(B) The chief administrator of each chartered nonpublic 12380
school that closes shall deposit the school's records with 12381
either: 12382

(1) The accrediting association that most recently 12383
accredited the school for purposes of chartering the school in 12384
accordance with the rules of the ~~state board~~ department, if 12385
applicable; 12386

(2) The school district that received auxiliary services 12387
funding under division (E) of section 3317.024 of the Revised 12388
Code on behalf of the students enrolled in the school. 12389

The school district that receives the records may charge 12390
for and receive a one-time reimbursement from auxiliary services 12391

funding under division (E) of section 3317.024 of the Revised Code for costs the district incurred to store the records. 12392
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Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A) (2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A) (2) of section 3313.608 of the Revised Code. 12394
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As used in this section, "child with a disability" and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code. 12414
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(B) (1) Each chartered nonpublic school that enrolls students in any of grades kindergarten through three and that accepts students under the educational choice scholarship pilot program or the pilot project scholarship program shall adopt policies and procedures for the annual assessment of the reading 12417
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skills of those students. Each school may use the diagnostic 12422
assessment to measure reading ability for the appropriate grade 12423
level prescribed in division (D) of section 3301.079 of the 12424
Revised Code. If the school uses such assessments, the 12425
department of education and workforce shall furnish them to the 12426
chartered nonpublic school. 12427

(2) For each student identified as having reading skills 12428
below grade level, the school shall do both of the following: 12429

(a) Provide to the student's parent or guardian, in 12430
writing, all of the following: 12431

(i) Notification that the student has been identified as 12432
having a substantial deficiency in reading; 12433

(ii) Notification that if the student attains a score in 12434
the range designated under division (A) (3) of section 3301.0710 12435
of the Revised Code on the assessment prescribed under that 12436
section to measure skill in English language arts expected at 12437
the end of third grade, the student shall be retained unless the 12438
student is exempt under division (A) (1) of section 3313.608 of 12439
the Revised Code. 12440

(b) Provide intensive reading instruction services, as 12441
determined appropriate by the school, to each student identified 12442
under this section. 12443

(C) Each chartered nonpublic school subject to this 12444
section annually shall report to the department the number of 12445
students identified as reading at grade level and the number of 12446
students identified as reading below grade level. 12447

Sec. 3301.18. The department of education and workforce 12448
shall: 12449

(A) Administer grants under section 3301.19 of the Revised Code in support of voluntary desegregation within school districts; 12450
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(B) Provide technical assistance to school districts developing voluntary plans for desegregation or plans to reduce or eliminate racial isolation; 12453
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(C) Develop desegregation plans as required by court order and provide technical assistance to school districts required to develop plans under court order; 12456
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(D) Report to the general assembly annually on expenditures made by the state to reduce or eliminate racial isolation and enumerate anticipated expenses for desegregation resulting from court action or action taken by the federal government. 12459
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Sec. 3301.19. The department of education and workforce shall administer a program to support school boards that voluntarily adopt and implement plans of student transfers to desegregate schools within their districts. To be eligible for such support, both of the following must apply: 12464
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(A) The district must have a minority enrollment of between twenty-five and seventy-five per cent, according to the most recent racial and ethnic census of the district prepared by the department; 12469
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(B) The school board must adopt and submit to the department, not later than the first day of October, a plan for reducing racial isolation through the transfer of not fewer than fifty students in the district. The plan must provide for any or all of the following: 12473
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(1) The transfer of minority students from a school with 12478

greater than the average minority composition of the district to 12479
a school with less than the average minority composition of the 12480
district; 12481

(2) The transfer of majority students from a school with 12482
less than the average minority composition of the district to a 12483
school with more than the average minority composition of the 12484
district; 12485

(3) The transfer of minority or majority students to 12486
designated schools if the transfers cause the racial composition 12487
of the designated schools to more closely approximate the 12488
student racial composition of the entire district taken as a 12489
whole. 12490

~~The department of education~~ shall pay the school district 12491
an amount equal to four hundred dollars per student transferred, 12492
except that if all payments required to be made under this 12493
section during the fiscal year exceed the appropriation for the 12494
purpose, the payment to each school district shall be 12495
proportionately reduced. The school board may spend the amount 12496
received only on activities other than transportation that 12497
support the reduction of racial isolation. In the case of a 12498
transfer from a school that is being permanently closed or that 12499
results from a permanent change in the boundary of a school 12500
attendance zone, payment shall be made only for the initial year 12501
the transfer is made. In the case of any other kind of transfer, 12502
payment shall be made for each fiscal year the transfer occurs. 12503

Sec. 3301.22. ~~The state board of education~~ department of 12504
education and workforce shall develop a model policy to prohibit 12505
harassment, intimidation, or bullying in order to assist school 12506
districts in developing their own policies under section 12507
3313.666 of the Revised Code. ~~The board shall issue the model~~ 12508

~~policy within six months after the effective date of this~~ 12509
~~section.~~ 12510

Sec. 3301.221. (A) As used in this section and section 12511
3313.60 of the Revised Code, "evidence-based" means a program or 12512
practice that does either of the following: 12513

(1) Demonstrates a rationale based on high-quality 12514
research findings or positive evaluation that such a program or 12515
practice is likely to improve relevant outcomes and includes 12516
ongoing efforts to examine the effects of the program or 12517
practice; 12518

(2) Has a statistically significant effect on relevant 12519
outcomes based on: 12520

(a) Strong evidence from at least one well-designed and 12521
well-implemented experimental study; 12522

(b) Moderate evidence from at least one well-designed and 12523
well-implemented quasi-experimental study; or 12524

(c) Promising evidence from at least one well-designed and 12525
well-implemented correlation study with statistical controls for 12526
selection bias. 12527

(B) The department of education and workforce, in 12528
consultation with the department of public safety and the 12529
department of mental health and addiction services, shall 12530
maintain a list of approved training programs, to be posted on 12531
the department of ~~education's~~ education and workforce's web 12532
site, for instruction in suicide awareness and prevention and 12533
violence prevention as prescribed under division (A) (5) (h) of 12534
section 3313.60 and division (D) of section 3319.073 of the 12535
Revised Code. The list of approved training programs shall 12536
include at least one option that is free or of no cost to 12537

schools. The approved training programs shall be evidence-based 12538
and include the following: 12539

(1) How to instruct school personnel to identify the signs 12540
and symptoms of depression, suicide, and self-harm in students; 12541

(2) How to instruct students to identify the signs and 12542
symptoms of depression, suicide, and self-harm in their peers; 12543

(3) How to identify appropriate mental health services 12544
within schools and within larger communities, and when and how 12545
to refer youth and their families to those services; 12546

(4) How to teach students about mental health and 12547
depression, warning signs of suicide, and the importance of and 12548
processes for seeking help on behalf of self and peers and 12549
reporting of these behaviors; 12550

(5) How to identify observable warning signs and signals 12551
of individuals who may be a threat to themselves or others; 12552

(6) The importance of taking threats seriously and seeking 12553
help; 12554

(7) How students can report dangerous, violent, 12555
threatening, harmful, or potentially harmful activity, including 12556
the use of the district's chosen anonymous reporting program. 12557

(C) The department of education and workforce, in 12558
consultation with the department of mental health and addiction 12559
services, shall maintain a list of approved training programs, 12560
to be posted on the department of ~~education's~~ education and 12561
workforce's web site, for instruction in social inclusion as 12562
prescribed by division (A) (5) (i) of section 3313.60 of the 12563
Revised Code. The list of approved training programs shall 12564
include at least one option that is free or of no cost to 12565

schools. The approved training programs shall be evidence-based	12566
and include the following:	12567
(1) What social isolation is and how to identify it in	12568
others;	12569
(2) What social inclusion is and the importance of	12570
establishing connections with peers;	12571
(3) When and how to seek help for peers who may be	12572
socially isolated;	12573
(4) How to utilize strategies for more social inclusion in	12574
classrooms and the school community.	12575
Sec. 3301.23. (A) Not later than thirty days after the	12576
effective date of this section, the <u>The</u> department of education	12577
<u>and workforce</u> , in consultation with the chancellor of higher	12578
education, shall establish a committee to develop a state plan	12579
for computer science education for the purposes of primary and	12580
secondary education.	12581
(B) When developing the plan, the committee established	12582
under this section shall consider the following:	12583
(1) Best practices and challenges associated with the	12584
implementation of primary and secondary computer science	12585
curriculum in this state;	12586
(2) Demographic data for students who receive instruction	12587
in computer science;	12588
(3) Benchmarks to create a sustainable supply of teachers	12589
certified to provide instruction in computer science;	12590
(4) Best practices to form public and private partnerships	12591
for funding, mentoring, and internships for teachers providing	12592

instruction in computer science;	12593
(5) Requiring all students to complete a computer science course prior to high school graduation;	12594 12595
(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;	12596 12597 12598 12599 12600
(7) Any other topic determined appropriate by the committee.	12601 12602
(C) The committee established under this section shall consist of all of the following:	12603 12604
(1) The superintendent of public instruction <u>director of education and workforce</u> , or designee;	12605 12606
(2) The chancellor, or designee;	12607
(3) Representatives of computer science education stakeholders appointed by the state superintendent <u>director</u> , in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of the following:	12608 12609 12610 12611 12612
(a) Career-technical education;	12613
(b) Teachers;	12614
(c) Institutions of higher education;	12615
(d) Businesses;	12616
(e) State and national computer science organizations.	12617
(D) Within the plan, the committee established under this	12618

section shall include all of the following: 12619

(1) An examination of the challenges that prevent school 12620
districts from offering computer science courses; 12621

(2) A requirement that the department ~~of education~~ collect 12622
any data regarding computer science courses offered by school 12623
districts and school buildings operated by school districts, 12624
including the names of the courses and whether the courses were 12625
developed using the standards and model curriculum adopted under 12626
division (A) (4) of section 3301.079 of the Revised Code, and 12627
post the collected data on its web site. 12628

(3) A requirement that the committee determine the best 12629
ways to compile data on computer science courses, teachers, and 12630
undergraduate students studying computer science in 12631
universities. 12632

(4) Any findings the committee determines appropriate 12633
based on its consideration of the topics described in division 12634
(B) of this section. 12635

(E) The committee shall complete the plan not later than 12636
~~one year after the effective date of this section September 30,~~ 12637
2022, and the department shall post the completed plan in a 12638
prominent location on its web site. 12639

Sec. 3301.27. The department of education and workforce 12640
shall conduct research on the factors that improve education 12641
effectiveness in school districts and for this purpose may 12642
require school districts to administer tests in addition to 12643
those otherwise required by law, such as the national assessment 12644
of education progress. The department shall make the results of 12645
any research conducted under this section available to all 12646
school districts. 12647

Sec. 3301.28. (A) As used in this section: 12648

(1) "Coordinating service center" means the educational 12649
service center of central Ohio or its successor organization. 12650

(2) "Public school" means a school building operated by a 12651
school district or other public school, as defined in section 12652
3301.0711 of the Revised Code, or a building operated by an 12653
educational service center. 12654

(B) The ~~superintendent of public instruction department of~~ 12655
~~education and workforce~~ shall establish a program to provide 12656
tutoring and remedial education services in reading and English 12657
language arts, mathematics, science, and social studies to 12658
students at public and chartered nonpublic schools that elect to 12659
participate in the program. Tutors shall not be considered 12660
employees of the public or chartered nonpublic school in which 12661
they provide tutoring services. Rather, the tutors shall be 12662
either employed or engaged as a volunteer by the coordinating 12663
service center. The coordinating service center shall be 12664
responsible for compensating each individual it employs as a 12665
tutor using funds transferred from the school at which the 12666
individual works as a tutor. The coordinating service center may 12667
coordinate placement of tutors with the sixteen regional 12668
educational service centers, selected under division (C) (4) of 12669
this section, and other service centers as determined necessary 12670
by the coordinating service center. 12671

Individuals who wish to participate in the program as 12672
tutors shall submit an application to the coordinating service 12673
center. ~~Not later than sixty days after the effective date of~~ 12674
~~this section, the~~ The coordinating service center shall 12675
establish application procedures for individuals who wish to 12676
participate in the program as tutors. 12677

To be eligible to participate as a tutor under the program, an individual shall be either of the following:

(1) A retired teacher or substitute teacher, regardless of whether the teacher holds a valid educator license, certificate, or permit issued under Chapter 3319. or section 3301.071 of the Revised Code, provided that the teacher has not had an educator license, certificate, or permit denied, suspended, or revoked by the state board of education under section 3319.31 of the Revised Code or entered into a consent agreement pursuant to division (E) of section 3319.311 of the Revised Code;

(2) An individual, not described in division (A) (1) of this section, who is determined to be eligible by the coordinating service center in accordance with standards established by the ~~state superintendent~~ department.

(C) The ~~state superintendent~~ department, with assistance from participating educational service centers, and in consultation with public and chartered nonpublic schools, shall administer and implement the program as follows:

(1) ~~Not later than sixty days after the effective date of this section, the state superintendent~~ The department shall establish standards for determining the eligibility of tutors under division (B) (2) of this section.

(2) ~~Not later than sixty days after the effective date of this section, the~~ The coordinating service center, in consultation with the ~~state superintendent~~ department, shall create a training course for tutors described in division (B) of this section who do not hold valid educator licenses, certificates, or permits issued under Chapter 3319. or section 3301.071 of the Revised Code. The coordinating service center

and ~~state superintendent department~~ may establish additional 12707
training requirements for tutors who provide tutoring services 12708
to students with special needs or students with an 12709
individualized education program, as that term is defined in 12710
section 3323.01 of the Revised Code. In addition, the 12711
coordinating service center and ~~state superintendent department~~ 12712
may continue to provide training to tutors after their placement 12713
in schools. 12714

(3) The department ~~of education~~ shall serve as the fiscal 12715
agent for the program. The department shall provide for 12716
administrative and implementation costs, costs of developing the 12717
training course described in division (C)(2) of this section, 12718
and provide technical assistance at the request of the 12719
coordinating service center. 12720

The department shall not compensate tutors under the 12721
program. 12722

The ~~department~~ state board shall not charge any 12723
registration fee to individuals who wish to participate in the 12724
program as tutors. 12725

(4) Educational service centers from each educational 12726
regional service system described in section 3312.02 of the 12727
Revised Code may select one educational service center to 12728
administer the training program for their region in conjunction 12729
with the coordinating service center. The educational service 12730
center selected for each region may cooperate with individual 12731
educational service centers to implement the training program. 12732

(5) Each educational service center may coordinate the 12733
placement of tutors at the participating public and chartered 12734
nonpublic schools within its service territory. 12735

(6) The coordinating service center shall require an 12736
individual employed or engaged as a volunteer as a tutor under 12737
this section to apply for and receive a registration from the 12738
department. 12739

As a condition of registration under this section, an 12740
individual shall be subject to a criminal records check as 12741
prescribed by section 3319.39 or 3319.391 of the Revised Code, 12742
as appropriate. The individual shall request the criminal 12743
records check through the coordinating service center and shall 12744
submit the criminal records check to the ~~department of education-~~ 12745
state board in a manner determined by the ~~department~~ state 12746
board. The ~~department~~ state board shall use the information 12747
submitted to enroll the individual in the retained applicant 12748
fingerprint database, established under section 109.5721 of the 12749
Revised Code, in the same manner as any teacher licensed under 12750
sections 3319.22 to 3319.31 of the Revised Code. 12751

If the ~~department~~ state board receives notification of the 12752
arrest or conviction of an individual registered under division 12753
(C) (6) of this section, the ~~department~~ state board shall 12754
promptly notify the coordinating service center and may take any 12755
action authorized under sections 3319.31 and 3319.311 of the 12756
Revised Code that the department considers appropriate. The 12757
~~department~~ state board shall not accept the application of any 12758
individual under this section if the ~~department~~ state board 12759
learns that the individual has pleaded guilty to, has been found 12760
guilty by a jury or court of, or has been convicted of any of 12761
the offenses listed in division (C) of section 3319.31 of the 12762
Revised Code. 12763

The department shall reimburse the coordinating service 12764
center for both of the following: 12765

(a) Any costs incurred by the coordinating service center 12766
when assisting with the registration of tutors with the 12767
department; 12768

(b) The cost of the criminal records check required under 12769
this section. 12770

(7) Participation by public and chartered nonpublic 12771
schools is voluntary. Public and chartered nonpublic schools 12772
that wish to participate in the tutoring and remedial education 12773
program shall notify the coordinating service center of their 12774
intention to do so. 12775

Each participating school shall have the ultimate 12776
authority over how best to incorporate tutors into the school 12777
setting, but such determinations shall be made in cooperation 12778
with the educational service center. Program activities may take 12779
place before, during, or after school as well as during breaks 12780
from school such as weekends, holidays, or summer vacation. 12781
Program activities may take place on an online platform or in 12782
person, including on school premises, at community-based youth 12783
development organizations, or in another public location the 12784
school's governing body and educational service center determine 12785
to be appropriate. 12786

A participating school shall provide necessary materials, 12787
space, and equipment for tutors placed in the school. A 12788
participating school shall transfer funds to the coordinating 12789
service center to assist the service center in making payments 12790
to tutors placed in the school and paying the cost of other 12791
benefits for the tutors. The state superintendent department, in 12792
consultation with the chancellor of higher education, shall 12793
create a list of benefits which a participant may receive. 12794

Participating schools shall use their own funds to pay 12795
costs incurred from participating in the program. 12796

(D) Upon the completion of each of the 2022-2023, 2023- 12797
2024, and 2024-2025 school years, the department shall conduct a 12798
review of the program's effectiveness in providing tutoring and 12799
remedial education to students. Based on each of those reviews, 12800
the department shall issue a report of its findings. The report 12801
also shall include the number of participating public and 12802
chartered nonpublic schools, tutors, and students, as well as 12803
whether tutoring in a particular school was provided on an 12804
online platform or in-person. The department may request and 12805
collect data from public or chartered nonpublic schools and from 12806
educational service centers for the report. The department 12807
shall, in accordance with section 101.68 of the Revised Code, 12808
submit those reports to the general assembly, as follows: 12809

(1) The report for the 2022-2023 school year shall be 12810
submitted not later than September 30, 2023. 12811

(2) The report for the 2023-2024 school year shall be 12812
submitted not later than September 30, 2024. 12813

(3) The report for the 2024-2025 school year shall be 12814
submitted not later than September 30, 2025. 12815

(E) Nothing in this section shall be construed as 12816
prohibiting a public or chartered nonpublic school from 12817
contracting or partnering with another entity to provide 12818
tutoring services to the school's students. 12819

Sec. 3301.30. The department of education and workforce 12820
shall: 12821

(A) Actively encourage, assist, and support boards of 12822
education in applying for moneys for programs for pre-school 12823

children of migrant agricultural laborers under Title I of the 12824
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 12825
20 U.S.C.A. 236, as amended; 12826

(B) Establish an official relationship with the Texas 12827
education agency and the Florida department of education to 12828
cooperate and exchange information with those states concerning 12829
education for children of migrant ~~agricultural~~ agricultural 12830
laborers, and coordinate its activities and services for such 12831
children with those states and any other states that provide 12832
education for such children; 12833

(C) Take all necessary steps to compensate for the lack of 12834
continuity in instructional curriculum experienced by children 12835
of migrant agricultural laborers as a result of their parents' 12836
occupation by assuring that: 12837

(1) Coordinated interstate and intrastate programs are 12838
provided at all levels, including coordinated programs leading 12839
to credit accrual; 12840

(2) Parents are given information about the availability 12841
of interstate and intrastate programs. 12842

(D) Take a more active role in encouraging boards of 12843
education to offer, in accordance with section 3313.641 of the 12844
Revised Code, alternative evening and tutorial programs for 12845
children of migrant agricultural laborers and their families 12846
during late spring, summer, and early fall. 12847

Sec. 3301.311. (A) As used in this section, ~~"preschool:~~ 12848

(1) "Department of education" or "department" means the 12849
former department of education as it existed prior to the 12850
effective date of this amendment for all actions required under 12851
this section prior to that date, and means the department of 12852

education and workforce for all actions required under this 12853
section on or after to that date. 12854

(2) "Preschool program" has the same meaning as in section 12855
3301.52 of the Revised Code. 12856

(B) Subject to divisions (C) and (D) of this section, 12857
beginning in fiscal year 2006, no preschool program, and no 12858
early childhood education program or early learning program as 12859
defined by the department of education shall receive any funds 12860
from the state unless fifty per cent of the staff members 12861
employed by that program as teachers are working toward an 12862
associate degree of a type approved by the department. 12863

(C) (1) Subject to division (C) (2) of this section, 12864
beginning in fiscal year 2010, no preschool program, and no 12865
early childhood education program or early learning program as 12866
defined by the department, existing prior to fiscal year 2007, 12867
shall receive any funds from the state unless every staff member 12868
employed by that program as a teacher has attained an associate 12869
degree of a type approved by the department. 12870

(2) Beginning in fiscal year 2011, no preschool program, 12871
and no early childhood education program or early learning 12872
program as defined by the department, existing prior to fiscal 12873
year 2007, shall receive any funds from the state unless fifty 12874
per cent of the staff members employed by the program as 12875
teachers have attained a bachelor's degree of a type approved by 12876
the department. 12877

(D) (1) Subject to division (D) (2) of this section, 12878
beginning in fiscal year 2012, no preschool program, and no 12879
early childhood education program or early learning program as 12880
defined by the department, established during or after fiscal 12881

year 2007, shall receive any funds from the state unless every 12882
staff member employed by that program as a teacher has attained 12883
an associate degree of a type approved by the department. 12884

(2) Beginning in fiscal year 2013, no preschool program, 12885
and no early childhood education program or early learning 12886
program as defined by the department, established during or 12887
after fiscal year 2007, shall receive any funds from the state 12888
unless fifty per cent of the staff members employed by the 12889
program as teachers have attained a bachelor's degree of a type 12890
approved by the department. 12891

Sec. 3301.40. (A) As used in this section, "adult 12892
education" has the meaning as established under the "adult 12893
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12894
amended. 12895

(B) ~~Beginning July 1, 1996, the~~ The department of 12896
education and workforce may distribute state funds to 12897
organizations that ~~quality~~ qualify for federal funds under the 12898
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12899
as amended. The funds shall be used by qualifying organizations 12900
to provide adult education services. State funds distributed 12901
pursuant to this section shall be distributed in accordance with 12902
the rules adopted ~~by the state board of education pursuant to~~ 12903
under division (C) of this section. 12904

Each organization that receives funds under this section 12905
shall file program performance reports with the department. ~~The~~ 12906
~~reports shall be filed at times required by state board of~~ 12907
~~education rule and contain assessments~~ shall include the 12908
following: 12909

(1) Assessments of individual students as they enter, 12910

progress through, and exit the adult education program; records	12911
<u>(2) Records</u> regarding individual student program	12912
participation time; reports	12913
<u>(3) Reports</u> of individual student retention rates; and any	12914
<u>(4) Any</u> other information required by rule.	12915
(C) The state board of education <u>department</u> shall adopt	12916
rules for the distribution of funds under this section. The	12917
rules shall include the following:	12918
(1) Requirements for program performance reports.	12919
(2) Indicators of adult education program quality,	12920
including indicators of learner achievement, program	12921
environment, program planning, curriculum and instruction, staff	12922
development, support services, and recruitment and retention.	12923
(3) A formula for the distribution of funds under this	12924
section. The formula shall include as a factor an organization's	12925
quantifiable success in meeting the indicators of program	12926
quality established pursuant to division (C) (2) of this section.	12927
(4) Standards and procedures for reducing or discontinuing	12928
funding to organizations that fail to meet the requirements of	12929
this section.	12930
(5) Any other requirements or standards considered	12931
appropriate by the board.	12932
Sec. 3301.45. (A) Not later than the thirtieth day of	12933
September of each year, the department of education <u>and</u>	12934
<u>workforce</u> shall distribute to all public high schools the	12935
information provided by the director of job and family services	12936
on the online education and career planning tool developed under	12937

section 6301.15 of the Revised Code. 12938

(B) Annually, the department ~~of education~~ shall survey 12939
high school administrators and guidance counselors regarding 12940
their use of the online planning tool and provide the results of 12941
the survey to the director of job and family services to support 12942
future refinements and improvements to the online planning tool. 12943

As used in this section, "public high school" means a 12944
school that serves students in any of grades nine through twelve 12945
and is operated by a school district or a community school 12946
established under Chapter 3314. of the Revised Code, a STEM 12947
school established under Chapter 3326. of the Revised Code, or a 12948
college-preparatory boarding school established under Chapter 12949
3328. of the Revised Code. 12950

Sec. 3301.49. Pursuant to paragraph A of Article III of 12951
the educational compact enacted in section 3301.48 of the 12952
Revised Code, there shall be seven members to the educational 12953
commission of the states who shall serve from this state, one of 12954
such members shall be the governor; one member shall be a member 12955
of the senate appointed by the president; one member shall be a 12956
member of the house of representatives appointed by the speaker 12957
of the house of representatives; and four members shall be 12958
appointed by and serve at the pleasure of the governor. Two of 12959
the members appointed by the governor shall be professional 12960
educators associated with either public or private educational 12961
systems and may be an officer of the state, any college or 12962
university in the state or any officer or administrator of any 12963
public school district. Two of the members appointed by the 12964
governor shall be ~~laymen~~ laypersons. 12965

The state shall pay the actual expenses of members of the 12966
Ohio commission while attending to any business of the 12967

commission. The governor shall appoint a ~~chairman~~ chairperson of 12968
the Ohio members of the educational commission of the states and 12969
such membership shall meet on the call of its ~~chairman~~ 12970
chairperson or at the request of a majority of its members. In 12971
any event, the membership shall meet not less often than three 12972
times annually. The membership may consider any and all matters 12973
relating to recommendations of the educational commission of the 12974
states and the activities of the members in representing this 12975
state thereon. 12976

Pursuant to paragraph (I) of Article III of the compact 12977
the educational commission of the states shall file a copy of 12978
its bylaws and any amendment thereto with the ~~superintendent of~~ 12979
~~public instruction~~ director of education and workforce. 12980

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 12981
the Revised Code: 12982

(A) "Preschool program" means either of the following: 12983

(1) A child care program for preschool children that is 12984
operated by a school district board of education or an eligible 12985
nonpublic school. 12986

(2) A child care program for preschool children age three 12987
or older that is operated by a county board of developmental 12988
disabilities or a community school. 12989

(B) "Preschool child" or "child" means a child who has not 12990
entered kindergarten and is not of compulsory school age. 12991

(C) "Parent, guardian, or custodian" means the person or 12992
government agency that is or will be responsible for a child's 12993
school attendance under section 3321.01 of the Revised Code. 12994

(D) "Superintendent" means the superintendent of a school 12995

district or the chief administrative officer of a community school or an eligible nonpublic school. 12996
12997

(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. 12998
12999
13000
13001

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 13002
13003
13004

(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. 13005
13006
13007
13008

(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. 13009
13010
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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. 13015
13016
13017
13018

(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. 13019
13020
13021

(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. 13022
13023
13024

(L) "Child care" means administering to the needs of 13025
infants, toddlers, preschool children, and school children 13026
outside of school hours by persons other than their parents or 13027
guardians, custodians, or relatives by blood, marriage, or 13028
adoption for any part of the twenty-four-hour day in a place or 13029
residence other than a child's own home. 13030

(M) "Child day-care center" and "publicly funded child 13031
care" have the same meanings as in section 5104.01 of the 13032
Revised Code. 13033

(N) "Community school" means either of the following: 13034

(1) A community school established under Chapter 3314. of 13035
the Revised Code that is sponsored by an entity that is rated 13036
"exemplary" under section 3314.016 of the Revised Code. 13037

(2) A community school established under Chapter 3314. of 13038
the Revised Code that has received, on its most recent report 13039
card, either of the following: 13040

(a) If the school offers any of grade levels four through 13041
twelve, either of the following: 13042

(i) A grade of "C" or better for the overall value-added 13043
progress dimension under division (C) (1) (e) of section 3302.03 13044
of the Revised Code and for the performance index score under 13045
division (C) (1) (b) of section 3302.03 of the Revised Code; 13046

(ii) A performance rating of three stars or higher for 13047
achievement under division (D) (3) (b) of section 3302.03 of the 13048
Revised Code and progress under division (D) (3) (c) of that 13049
section. 13050

(b) If the school does not offer a grade level higher than 13051
three, either of the following: 13052

(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 adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the

Revised Code; 13083

(2) Standards ensuring that supervision, discipline, and 13084
programs will be administered according to established 13085
objectives and procedures; 13086

(3) Standards ensuring that preschool staff members and 13087
nonteaching employees are recruited, employed, assigned, 13088
evaluated, and provided ~~in-service~~ in-service education without 13089
discrimination on the basis of age, color, national origin, 13090
race, or sex; and that preschool staff members and nonteaching 13091
employees are assigned responsibilities in accordance with 13092
written position descriptions commensurate with their training 13093
and experience; 13094

(4) A requirement that boards of education intending to 13095
establish a preschool program demonstrate a need for a preschool 13096
program prior to establishing the program; 13097

(5) Requirements that children participating in preschool 13098
programs have been immunized to the extent considered 13099
appropriate by the ~~state board~~ director of education and 13100
workforce to prevent the spread of communicable disease; 13101

(6) Requirements that the parents of preschool children 13102
complete the emergency medical authorization form specified in 13103
section 3313.712 of the Revised Code. 13104

(B) ~~The state board of education~~ director of education and 13105
workforce, in consultation with the director of job and family 13106
services, shall ensure that the rules adopted by the ~~state board~~ 13107
under sections 3301.52 to 3301.58 of the Revised Code are 13108
consistent with and meet or exceed the requirements of Chapter 13109
5104. of the Revised Code with regard to child day-care centers 13110
that serve preschool children. ~~The state board and the director~~ 13111

~~of job and family services directors~~ shall review all such rules 13112
at least once every five years. 13113

(C) ~~The state board of education~~ director of education and 13114
workforce, in consultation with the director of job and family 13115
services, shall adopt rules for school child programs that are 13116
consistent with and meet or exceed the requirements of the rules 13117
adopted for child day-care centers that serve school-age 13118
children under Chapter 5104. of the Revised Code. 13119

Sec. 3301.54. (A) (1) Each preschool program shall be 13120
directed and supervised by a director, a head teacher, an 13121
elementary principal, or a site administrator who is on site and 13122
responsible for supervision of the program. Except as otherwise 13123
provided in division (A) (2) or (3) of this section, this person 13124
shall hold a valid educator license designated as appropriate 13125
for teaching or being an administrator in a preschool setting 13126
issued pursuant to section 3319.22 of the Revised Code and have 13127
completed at least four courses in child development or early 13128
childhood education from an accredited college, university, or 13129
technical college. 13130

(2) If the person was employed prior to July 1, 1988, by a 13131
school district board of education or an eligible nonpublic 13132
school to direct a preschool program, the person shall be 13133
considered to meet the requirements of this section if the 13134
person holds a valid kindergarten-primary certificate described 13135
under former division (A) of section 3319.22 of the Revised Code 13136
as it existed on January 1, 1996. 13137

(3) If the person is employed to direct a preschool 13138
program operated by an eligible, nontax-supported, nonpublic 13139
school, the person shall be considered to meet the requirements 13140
of this section if the person holds a valid teaching certificate 13141

issued in accordance with section 3301.071 of the Revised Code. 13142

(B) Each preschool staff member shall be at least eighteen 13143
years of age and have a high school diploma or a certificate of 13144
high school equivalence issued by the department of education 13145
and workforce or a primary-secondary education or higher 13146
education agency of another state, except that a staff member 13147
may be less than eighteen years of age if the staff member is a 13148
graduate of a two-year vocational child-care training program 13149
approved by the ~~state board of education~~ department, or is a 13150
student enrolled in the second year of such a program that leads 13151
to high school graduation, provided that the student performs 13152
duties in the preschool program under the continuous supervision 13153
of an experienced preschool staff member and receives periodic 13154
supervision from the vocational child-care training program 13155
teacher-coordinator in the student's high school. 13156

A preschool staff member shall annually complete fifteen 13157
hours of ~~inservice~~ in-service training in child development or 13158
early childhood education, child abuse recognition and 13159
prevention, and first aid, and in the prevention, recognition, 13160
and management of communicable diseases, until a total of forty- 13161
five hours has been completed, unless the staff member holds an 13162
associate or higher degree in child development or early 13163
childhood education from an accredited college, university, or 13164
technical college, or any type of educator license designated as 13165
appropriate for teaching in an associate teaching position in a 13166
preschool setting issued by the state board of education 13167
pursuant to section 3319.22 of the Revised Code. 13168

Sec. 3301.541. (A) (1) The director, head teacher, 13169
elementary principal, or site administrator of a preschool 13170
program shall request the superintendent of the bureau of 13171

criminal identification and investigation to conduct a criminal 13172
records check with respect to any applicant who has applied to 13173
the preschool program for employment as a person responsible for 13174
the care, custody, or control of a child. If the applicant does 13175
not present proof that the applicant has been a resident of this 13176
state for the five-year period immediately prior to the date 13177
upon which the criminal records check is requested or does not 13178
provide evidence that within that five-year period the 13179
superintendent has requested information about the applicant 13180
from the federal bureau of investigation in a criminal records 13181
check, the director, head teacher, or elementary principal shall 13182
request that the superintendent obtain information from the 13183
federal bureau of investigation as a part of the criminal 13184
records check for the applicant. If the applicant presents proof 13185
that the applicant has been a resident of this state for that 13186
five-year period, the director, head teacher, or elementary 13187
principal may request that the superintendent include 13188
information from the federal bureau of investigation in the 13189
criminal records check. 13190

(2) Any director, head teacher, elementary principal, or 13191
site administrator required by division (A)(1) of this section 13192
to request a criminal records check shall provide to each 13193
applicant a copy of the form prescribed pursuant to division (C) 13194
(1) of section 109.572 of the Revised Code, provide to each 13195
applicant a standard impression sheet to obtain fingerprint 13196
impressions prescribed pursuant to division (C)(2) of section 13197
109.572 of the Revised Code, obtain the completed form and 13198
impression sheet from each applicant, and forward the completed 13199
form and impression sheet to the superintendent of the bureau of 13200
criminal identification and investigation at the time the person 13201
requests a criminal records check pursuant to division (A)(1) of 13202

this section. 13203

(3) Any applicant who receives pursuant to division (A) (2) 13204
of this section a copy of the form prescribed pursuant to 13205
division (C) (1) of section 109.572 of the Revised Code and a 13206
copy of an impression sheet prescribed pursuant to division (C) 13207
(2) of that section and who is requested to complete the form 13208
and provide a set of fingerprint impressions shall complete the 13209
form or provide all the information necessary to complete the 13210
form and provide the impression sheet with the impressions of 13211
the applicant's fingerprints. If an applicant, upon request, 13212
fails to provide the information necessary to complete the form 13213
or fails to provide impressions of the applicant's fingerprints, 13214
the preschool program shall not employ that applicant for any 13215
position for which a criminal records check is required by 13216
division (A) (1) of this section. 13217

(B) (1) Except as provided in rules adopted by the 13218
department of education and workforce in accordance with 13219
division (E) of this section, no preschool program shall employ 13220
a person as a person responsible for the care, custody, or 13221
control of a child if the person previously has been convicted 13222
of or pleaded guilty to any of the following: 13223

(a) A violation of section 2903.01, 2903.02, 2903.03, 13224
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13225
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13226
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13227
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 13228
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 13229
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 13230
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 13231
section 2905.04 of the Revised Code as it existed prior to July 13232

1, 1996, a violation of section 2919.23 of the Revised Code that 13233
would have been a violation of section 2905.04 of the Revised 13234
Code as it existed prior to July 1, 1996, had the violation 13235
occurred prior to that date, a violation of section 2925.11 of 13236
the Revised Code that is not a minor drug possession offense, or 13237
felonious sexual penetration in violation of former section 13238
2907.12 of the Revised Code; 13239

(b) A violation of an existing or former law of this 13240
state, any other state, or the United States that is 13241
substantially equivalent to any of the offenses or violations 13242
described in division (B) (1) (a) of this section. 13243

(2) A preschool program may employ an applicant 13244
conditionally until the criminal records check required by this 13245
section is completed and the preschool program receives the 13246
results of the criminal records check. If the results of the 13247
criminal records check indicate that, pursuant to division (B) 13248
(1) of this section, the applicant does not qualify for 13249
employment, the preschool program shall release the applicant 13250
from employment. 13251

(C) (1) Each preschool program shall pay to the bureau of 13252
criminal identification and investigation the fee prescribed 13253
pursuant to division (C) (3) of section 109.572 of the Revised 13254
Code for each criminal records check conducted in accordance 13255
with that section upon the request pursuant to division (A) (1) 13256
of this section of the director, head teacher, elementary 13257
principal, or site administrator of the preschool program. 13258

(2) A preschool program may charge an applicant a fee for 13259
the costs it incurs in obtaining a criminal records check under 13260
this section. A fee charged under this division shall not exceed 13261
the amount of fees the preschool program pays under division (C) 13262

(1) of this section. If a fee is charged under this division, 13263
the preschool program shall notify the applicant at the time of 13264
the applicant's initial application for employment of the amount 13265
of the fee and that, unless the fee is paid, the applicant will 13266
not be considered for employment. 13267

(D) The report of any criminal records check conducted by 13268
the bureau of criminal identification and investigation in 13269
accordance with section 109.572 of the Revised Code and pursuant 13270
to a request under division (A) (1) of this section is not a 13271
public record for the purposes of section 149.43 of the Revised 13272
Code and shall not be made available to any person other than 13273
the applicant who is the subject of the criminal records check 13274
or the applicant's representative, the preschool program 13275
requesting the criminal records check or its representative, and 13276
any court, hearing officer, or other necessary individual in a 13277
case dealing with the denial of employment to the applicant. 13278

(E) The department of education and workforce shall adopt 13279
rules pursuant to Chapter 119. of the Revised Code to implement 13280
this section, including rules specifying circumstances under 13281
which a preschool program may hire a person who has been 13282
convicted of an offense listed in division (B) (1) of this 13283
section but who meets standards in regard to rehabilitation set 13284
by the department. 13285

(F) Any person required by division (A) (1) of this section 13286
to request a criminal records check shall inform each person, at 13287
the time of the person's initial application for employment, 13288
that the person is required to provide a set of impressions of 13289
the person's fingerprints and that a criminal records check is 13290
required to be conducted and satisfactorily completed in 13291
accordance with section 109.572 of the Revised Code if the 13292

person comes under final consideration for appointment or 13293
employment as a precondition to employment for that position. 13294

(G) As used in this section: 13295

(1) "Applicant" means a person who is under final 13296
consideration for appointment or employment in a position with a 13297
preschool program as a person responsible for the care, custody, 13298
or control of a child, except that "applicant" does not include 13299
a person already employed by a board of education, community 13300
school, or chartered nonpublic school in a position of care, 13301
custody, or control of a child who is under consideration for a 13302
different position with such board or school. 13303

(2) "Criminal records check" has the same meaning as in 13304
section 109.572 of the Revised Code. 13305

(3) "Minor drug possession offense" has the same meaning 13306
as in section 2925.01 of the Revised Code. 13307

(H) If the board of education of a local school district 13308
adopts a resolution requesting the assistance of the educational 13309
service center in which the local district has territory in 13310
conducting criminal records checks of substitute teachers under 13311
this section, the appointing or hiring officer of such 13312
educational service center governing board shall serve for 13313
purposes of this section as the appointing or hiring officer of 13314
the local board in the case of hiring substitute teachers for 13315
employment in the local district. 13316

Sec. 3301.55. (A) A school district, county board of 13317
developmental disabilities, community school, or eligible 13318
nonpublic school operating a preschool program shall house the 13319
program in buildings that meet the following requirements: 13320

(1) The building is operated by the district, county board 13321

of developmental disabilities, community school, or eligible 13322
nonpublic school and has been approved by the division of 13323
industrial compliance in the department of commerce or a 13324
certified municipal, township, or county building department for 13325
the purpose of operating a program for preschool children. Any 13326
such structure shall be constructed, equipped, repaired, 13327
altered, and maintained in accordance with applicable provisions 13328
of Chapters 3781. and 3791. and with rules adopted by the board 13329
of building standards under Chapter 3781. of the Revised Code 13330
for the safety and sanitation of structures erected for this 13331
purpose. 13332

(2) The building is in compliance with fire and safety 13333
laws and regulations as evidenced by reports of annual school 13334
fire and safety inspections as conducted by appropriate local 13335
authorities. 13336

(3) The school is in compliance with rules established by 13337
~~the state board~~ department of education and workforce regarding 13338
school food services. 13339

(4) The facility includes not less than thirty-five square 13340
feet of indoor space for each child in the program. Safe play 13341
space, including both indoor and outdoor play space, totaling 13342
not less than sixty square feet for each child using the space 13343
at any one time, shall be regularly available and scheduled for 13344
use. 13345

(5) First aid facilities and space for temporary placement 13346
or isolation of injured or ill children are provided. 13347

(B) Each school district, county board of developmental 13348
disabilities, community school, or eligible nonpublic school 13349
that operates, or proposes to operate, a preschool program shall 13350

submit to the department a building plan including all 13351
information specified by the ~~state board of education to the~~ 13352
~~board~~ department not later than the first day of September of 13353
the school year in which the program is to be initiated. The 13354
~~board~~ department shall determine whether the buildings meet the 13355
requirements of this section and section 3301.53 of the Revised 13356
Code, ~~and notify the superintendent of its determination.~~ If the 13357
~~board~~ department determines, on the basis of the building plan 13358
or any other information, that the buildings do not meet those 13359
requirements, it shall ~~cause~~ inspect the buildings ~~to be~~ 13360
~~inspected by the department of education.~~ The department shall 13361
~~make submit~~ a report to the ~~superintendent~~ director of education 13362
and workforce specifying any aspects of the building that are 13363
not in compliance with the requirements of this section and 13364
section 3301.53 of the Revised Code and the time period that 13365
will be allowed the district, county board of developmental 13366
disabilities, or school to meet the requirements. 13367

Sec. 3301.56. (A) The director, head teacher, elementary 13368
principal, or site administrator who is on site and responsible 13369
for supervision of each preschool program shall be responsible 13370
for the following: 13371

(1) Ensuring that the health and safety of the children 13372
are safeguarded by an organized program of school health 13373
services designed to identify child health problems and to 13374
coordinate school and community health resources for children, 13375
as evidenced by but not limited to: 13376

(a) Requiring immunization and compliance with emergency 13377
medical authorization requirements in accordance with rules 13378
adopted by the ~~state board~~ department of education and workforce 13379
under section 3301.53 of the Revised Code; 13380

(b) Providing procedures for emergency situations,	13381
including fire drills, rapid dismissals, tornado drills, and	13382
school safety drills in accordance with section 3737.73 of the	13383
Revised Code, and keeping records of such drills or dismissals;	13384
(c) Posting emergency procedures in preschool rooms and	13385
making them available to school personnel, children, and	13386
parents;	13387
(d) Posting emergency numbers by each telephone;	13388
(e) Supervising grounds, play areas, and other facilities	13389
when scheduled for use by children;	13390
(f) Providing first-aid facilities and materials.	13391
(2) Maintaining cumulative records for each child;	13392
(3) Supervising each child's admission, placement, and	13393
withdrawal according to established procedures;	13394
(4) Preparing at least once annually for each group of	13395
children in the program a roster of names and telephone numbers	13396
of parents, guardians, and custodians of children in the group	13397
and, on request, furnishing the roster for each group to the	13398
parents, guardians, and custodians of children in that group.	13399
The director may prepare a similar roster of all children in the	13400
program and, on request, make it available to the parents,	13401
guardians, and custodians, of children in the program. The	13402
director shall not include in either roster the name or	13403
telephone number of any parent, guardian, or custodian who	13404
requests that the parent's, guardian's, or custodian's name or	13405
number not be included, and shall not furnish any roster to any	13406
person other than a parent, guardian, or custodian of a child in	13407
the program.	13408

(5) Ensuring that clerical and custodial services are provided for the program;	13409 13410
(6) Supervising the instructional program and the daily operation of the program;	13411 13412
(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	13413 13414 13415
(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:	13416 13417 13418
	13419

	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 children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten.

Notwithstanding anything to the contrary in division (B) (2) of 13449
this section, when such age groups are combined, the maximum 13450
number of children per preschool staff member shall be twelve 13451
and the maximum group size shall be twenty-four children. 13452

(C) In each building in which a preschool program is 13453
operated there shall be on the premises, and readily available 13454
at all times, at least one employee who has completed a course 13455
in first aid and in the prevention, recognition, and management 13456
of communicable diseases which is approved by the state 13457
department of health, and an employee who has completed a course 13458
in child abuse recognition and prevention. 13459

(D) Any parent, guardian, or custodian of a child enrolled 13460
in a preschool program shall be permitted unlimited access to 13461
the school during its hours of operation to contact the 13462
parent's, guardian's, or custodian's child, evaluate the care 13463
provided by the program, or evaluate the premises, or for other 13464
purposes approved by the director. Upon entering the premises, 13465
the parent, guardian, or custodian shall report to the school 13466
office. 13467

Sec. 3301.57. (A) For the purpose of improving programs, 13468
facilities, and implementation of the standards promulgated ~~by~~ 13469
~~the state board of education~~ under section 3301.53 of the 13470
Revised Code, the ~~state~~ department of education and workforce 13471
shall provide consultation and technical assistance to school 13472
districts, county boards of developmental disabilities, 13473
community schools, and eligible nonpublic schools operating 13474
preschool programs or school child programs, and ~~in-service~~ in- 13475
service training to preschool staff members, school child 13476
program staff members, and nonteaching employees. 13477

(B) The department and the school district board of 13478

education, county board of developmental disabilities, community 13479
school, or eligible nonpublic school shall jointly monitor each 13480
preschool program and each school child program. 13481

If the program receives any grant or other funding from 13482
the state or federal government, the department annually shall 13483
monitor all reports on attendance, financial support, and 13484
expenditures according to provisions for use of the funds. 13485

(C) The department ~~of education~~, at least once during 13486
every twelve-month period of operation of a preschool program or 13487
a licensed school child program, shall inspect the program and 13488
provide a written inspection report to the superintendent of the 13489
school district, county board of developmental disabilities, 13490
community school, or eligible nonpublic school. The department 13491
may inspect any program more than once, as considered necessary 13492
by the department, during any twelve-month period of operation. 13493
All inspections may be unannounced. No person shall interfere 13494
with any inspection conducted pursuant to this division or to 13495
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 13496
Revised Code. 13497

Upon receipt of any complaint that a preschool program or 13498
a licensed school child program is out of compliance with the 13499
requirements in sections 3301.52 to 3301.59 of the Revised Code 13500
or the rules adopted under those sections, the department shall 13501
investigate and may inspect the program. 13502

(D) If a preschool program or a licensed school child 13503
program is determined to be out of compliance with the 13504
requirements of sections 3301.52 to 3301.59 of the Revised Code 13505
or the rules adopted under those sections, the department ~~of~~ 13506
~~education~~ shall notify the appropriate superintendent, county 13507
board of developmental disabilities, community school, or 13508

eligible nonpublic school in writing regarding the nature of the 13509
violation, what must be done to correct the violation, and by 13510
what date the correction must be made. If the correction is not 13511
made by the date established by the department, it may commence 13512
action under Chapter 119. of the Revised Code to close the 13513
program or to revoke the license of the program. If a program 13514
does not comply with an order to cease operation issued in 13515
accordance with Chapter 119. of the Revised Code, the department 13516
shall notify the attorney general, the prosecuting attorney of 13517
the county in which the program is located, or the city 13518
attorney, village solicitor, or other chief legal officer of the 13519
municipal corporation in which the program is located that the 13520
program is operating in violation of sections 3301.52 to 3301.59 13521
of the Revised Code or the rules adopted under those sections 13522
and in violation of an order to cease operation issued in 13523
accordance with Chapter 119. of the Revised Code. Upon receipt 13524
of the notification, the attorney general, prosecuting attorney, 13525
city attorney, village solicitor, or other chief legal officer 13526
shall file a complaint in the court of common pleas of the 13527
county in which the program is located requesting the court to 13528
issue an order enjoining the program from operating. The court 13529
shall grant the requested injunctive relief upon a showing that 13530
the program named in the complaint is operating in violation of 13531
sections 3301.52 to 3301.59 of the Revised Code or the rules 13532
adopted under those sections and in violation of an order to 13533
cease operation issued in accordance with Chapter 119. of the 13534
Revised Code. 13535

(E) The department ~~of education~~ shall prepare an annual 13536
report on inspections conducted under this section. The report 13537
shall include the number of inspections conducted, the number 13538
and types of violations found, and the steps taken to address 13539

the violations. The department shall file the report with the 13540
governor, the president and minority leader of the senate, and 13541
the speaker and minority leader of the house of representatives 13542
on or before the first day of January of each year, ~~beginning in~~ 13543
~~1999~~. 13544

Sec. 3301.58. (A) The department of education and 13545
workforce is responsible for the licensing of preschool programs 13546
and school child programs and for the enforcement of sections 13547
3301.52 to 3301.59 of the Revised Code and of any rules adopted 13548
under those sections. No school district board of education, 13549
county board of developmental disabilities, community school, or 13550
eligible nonpublic school shall operate, establish, manage, 13551
conduct, or maintain a preschool program without a license 13552
issued under this section. A school district board of education, 13553
county board of developmental disabilities, community school, or 13554
eligible nonpublic school may obtain a license under this 13555
section for a school child program. The school district board of 13556
education, county board of developmental disabilities, community 13557
school, or eligible nonpublic school shall post the license for 13558
each preschool program and licensed school child program it 13559
operates, establishes, manages, conducts, or maintains in a 13560
conspicuous place in the preschool program or licensed school 13561
child program that is accessible to parents, custodians, or 13562
guardians and employees and staff members of the program at all 13563
times when the program is in operation. 13564

(B) Any school district board of education, county board 13565
of developmental disabilities, community school, or eligible 13566
nonpublic school that desires to operate, establish, manage, 13567
conduct, or maintain a preschool program shall apply to the 13568
~~department of education~~ for a license on a form that the 13569
department shall prescribe by rule. Any school district board of 13570

education, county board of developmental disabilities, community 13571
school, or eligible nonpublic school that desires to obtain a 13572
license for a school child program shall apply to the department 13573
for a license on a form that the department shall prescribe by 13574
rule. The department shall provide at no charge to each 13575
applicant for a license under this section a copy of the 13576
requirements under sections 3301.52 to 3301.59 of the Revised 13577
Code and any rules adopted under those sections. The department 13578
may establish application fees by rule adopted under Chapter 13579
119. of the Revised Code, and all applicants for a license shall 13580
pay any fee established by the department at the time of making 13581
an application for a license. All fees collected pursuant to 13582
this section shall be paid into the state treasury to the credit 13583
of the general revenue fund. 13584

(C) Upon the filing of an application for a license, the 13585
~~department of education~~ shall investigate and inspect the 13586
preschool program or school child program to determine the 13587
license capacity for each age category of children of the 13588
program and to determine whether the program complies with 13589
sections 3301.52 to 3301.59 of the Revised Code and any rules 13590
adopted under those sections. When, after investigation and 13591
inspection, the ~~department of education~~ is satisfied that 13592
sections 3301.52 to 3301.59 of the Revised Code and any rules 13593
adopted under those sections are complied with by the applicant, 13594
the ~~department of education~~ shall issue the program a 13595
provisional license as soon as practicable in the form and 13596
manner prescribed by the rules of the department. The 13597
provisional license shall be valid for one year from the date of 13598
issuance unless revoked. 13599

(D) The ~~department of education~~ shall investigate and 13600
inspect a preschool program or school child program that has 13601

been issued a provisional license at least once during operation 13602
under the provisional license. If, after the investigation and 13603
inspection, the department ~~of education~~ determines that the 13604
requirements of sections 3301.52 to 3301.59 of the Revised Code 13605
and any rules adopted under those sections are met by the 13606
provisional licensee, the department ~~of education~~ shall issue 13607
the program a license. The license shall remain valid unless 13608
revoked or the program ceases operations. 13609

(E) The department ~~of education~~ annually shall investigate 13610
and inspect each preschool program or school child program 13611
licensed under division (D) of this section to determine if the 13612
requirements of sections 3301.52 to 3301.59 of the Revised Code 13613
and any rules adopted under those sections are met by the 13614
program, and shall notify the program of the results. 13615

(F) The license or provisional license shall state the 13616
name of the school district board of education, county board of 13617
developmental disabilities, community school, or eligible 13618
nonpublic school that operates the preschool program or school 13619
child program and the license capacity of the program. 13620

(G) The department ~~of education~~ may revoke the license of 13621
any preschool program or school child program that is not in 13622
compliance with the requirements of sections 3301.52 to 3301.59 13623
of the Revised Code and any rules adopted under those sections. 13624

(H) If the department ~~of education~~ revokes a license, the 13625
department shall not issue a license to the program within two 13626
years from the date of the revocation. All actions of the 13627
department with respect to licensing preschool programs and 13628
school child programs shall be in accordance with Chapter 119. 13629
of the Revised Code. 13630

Sec. 3301.59. ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of education and workforce pursuant to sections 3301.52 to 3301.59 of the Revised Code or by the department of job and family services pursuant to Chapter 5104. of the Revised Code. 13631
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~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 13638
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~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 13645
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~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 13648
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 13651
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 13653
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~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or~~ 13658
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~~school child program on July 22, 1991, and if the eligible
nonpublic school previously has not obtained a license for the
program from the department of job and family services pursuant
to Chapter 5104. of the Revised Code, the eligible nonpublic
school shall do one of the following:~~ 13660
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~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of
the Revised Code to the department of job and family services
for a license for the program;~~ 13665
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~~(2) On July 22, 1991, apply pursuant to sections 3301.52-
to 3301.59 of the Revised Code to the department of education
for a license for the program;~~ 13668
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~~(3) If the program is a preschool program, cease to
operate, manage, conduct, or maintain the program;~~ 13671
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~~(4) If the program is a school child program, not accept
any state or federal funds specifically allocated for school
child programs and not accept any state or federal funds for
publicly funded child care pursuant to Chapter 5104. of the
Revised Code.~~ 13673
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~~(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.~~ 13678
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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.~~

~~(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.~~

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:

(1) The ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's designee;

(2) The director of veterans services or the director's designee;

(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;

(4) A representative of a military installation located in this state, appointed by the governor;

(5) A representative of the governor's office, appointed by the governor;

(6) Four members of the general assembly, appointed as follows:	13718 13719
(a) One member of the house of representatives appointed by the speaker of the house of representatives;	13720 13721
(b) One member of the house of representatives appointed by the minority leader of the house of representatives;	13722 13723
(c) One member of the senate appointed by the president of the senate;	13724 13725
(d) One member of the senate appointed by the minority leader of the senate.	13726 13727
(7) The compact commissioner appointed under section 3301.62 of the Revised Code;	13728 13729
(8) The military family education liaison appointed under section 3301.63 of the Revised Code;	13730 13731
(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.	13732 13733 13734
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.	13735 13736 13737
The members appointed under divisions (A) (6) to (9) of this section shall be nonvoting members of the council.	13738 13739
The members of the council shall serve without compensation.	13740 13741
(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	13742 13743 13744

ratified by section 3301.60 of the Revised Code. 13745

(C) The department of education and workforce shall 13746
provide staff support for the council. 13747

(D) Sections 101.82 to 101.87 of the Revised Code do not 13748
apply to the council. 13749

(E) As used in this section, "children of military 13750
families" and "military installation" have the same meanings as 13751
in Article II of the interstate compact on educational 13752
opportunity for military children. 13753

Sec. 3301.62. The governor shall appoint a compact 13754
commissioner who shall be responsible for administering the 13755
state's participation in the interstate compact on educational 13756
opportunity for military children, as ratified by section 13757
3301.60 of the Revised Code. The compact commissioner shall be a 13758
state officer within the department of education and workforce 13759
and shall serve at the pleasure of the governor. 13760

Sec. 3301.63. The state council on educational opportunity 13761
for military children, established under section 3301.61 of the 13762
Revised Code, shall appoint a military family education liaison 13763
to assist families and the state in implementing the interstate 13764
compact on educational opportunity for military children, as 13765
ratified by section 3301.60 of the Revised Code. The department 13766
of education and workforce shall provide staff support for the 13767
military family education liaison. 13768

Sec. 3301.64. The annual assessment charged to the state 13769
for participating in the interstate compact on educational 13770
opportunity for military children shall be divided equally 13771
between the department of education and workforce and the 13772
department of veterans services. 13773

Sec. 3301.68. (A) The department of education and 13774
workforce shall establish a consolidated school mandate report 13775
for school districts. The report shall be distributed and 13776
monitored by the department. Each district or school shall 13777
complete and file the report not later than the thirtieth day of 13778
November each year. The report shall require each district or 13779
school to denote "yes" to indicate compliance or "no" to 13780
indicate noncompliance with the items prescribed under division 13781
(B) of this section, and to provide any other information that 13782
the department requests regarding those items. If a district or 13783
school denotes "no" on any item, it shall provide, within thirty 13784
days, to its board of education a written explanation for why 13785
that item was not completed and a written plan of action for 13786
accurately and efficiently addressing the problem. 13787

(B) The report shall contain the following items: 13788

(1) Training on the use of physical restraint or seclusion 13789
on students pursuant to section 3319.46 of the Revised Code; 13790

(2) Training on harassment, intimidation, or bullying 13791
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 13792
Revised Code; 13793

(3) Training on the use of cardiopulmonary resuscitation 13794
and an automated external defibrillator under sections 3313.60, 13795
3313.6023, 3313.717, and 3314.16 of the Revised Code; 13796

(4) The reporting of a district's or school's compliance 13797
with nutritional standards prescribed under section 3313.814 of 13798
the Revised Code; 13799

(5) Screening of pupils for hearing, vision, speech and 13800
communications, and health or medical problems and for any 13801
developmental disorders pursuant to section 3313.673 of the 13802

Revised Code; 13803

(6) Compliance with intradistrict and interdistrict open 13804
enrollment provisions in sections 3313.97 and 3313.98 of the 13805
Revised Code. 13806

(C) Except as provided in division (D) of section 3313.814 13807
of the Revised Code, the department shall not require a separate 13808
report for any of the items listed in division (B) of this 13809
section. 13810

Sec. 3301.70. (A) The ~~state board~~ department of education 13811
and workforce is the designated state agency responsible for the 13812
coordination and administration of sections 110 to 118 of the 13813
"National and Community Service Act of 1990," 104 Stat. 3127 13814
(1990), 42 U.S.C. 12401 to 12431, as amended. With the 13815
assistance of the Ohio commission on service and volunteerism 13816
created in section 121.40 of the Revised Code, the ~~state board~~ 13817
department shall coordinate with other state agencies to apply 13818
for funding under the act when appropriate. 13819

(B) With the assistance of the Ohio commission on service 13820
and volunteerism, the ~~state board of education~~ department shall 13821
develop a plan to assist school districts in the implementation 13822
of section 3313.605 of the Revised Code and other community 13823
service activities of school districts. The ~~state board~~ 13824
department shall encourage the development of school district 13825
programs meeting the requirements for funding under the National 13826
and Community Service Act of 1990. The plan shall include the 13827
investigation of funding from all available sources for school 13828
community service education programs, including funds available 13829
under the National and Community Service Act of 1990, and the 13830
provision of technical assistance to school districts for the 13831
implementation of community service education programs. The plan 13832

shall also provide for technical assistance to be given to 13833
school boards to assist in obtaining funds for community service 13834
education programs from any source. 13835

(C) With the assistance of the Ohio commission on service 13836
and volunteerism, the ~~state board of education department~~ shall 13837
do all of the following: 13838

(1) Disseminate information about school district 13839
community service education programs to other school districts 13840
and to statewide organizations involved with or promoting 13841
volunteerism; 13842

(2) Recruit additional school districts to develop 13843
community service education programs; 13844

(3) Identify or develop model community service programs, 13845
teacher training courses, and community service curricula and 13846
teaching materials for possible use by school districts in their 13847
programs. 13848

Sec. 3301.80. (A) The department of education and 13849
workforce shall award a certificate of high school equivalence 13850
to each person who achieves the equivalent of a high school 13851
education, as measured by scores obtained on a high school 13852
equivalency test approved by the department pursuant to division 13853
(B) of this section. Each certificate awarded under this section 13854
shall be signed by the ~~superintendent of public instruction and~~ 13855
~~the president of the state board~~ director of education and 13856
workforce. 13857

Notwithstanding anything to the contrary in the Revised 13858
Code, a person who seeks to obtain a certificate of high school 13859
equivalence shall be subject to the requirements of section 13860
3301.81 of the Revised Code. 13861

(B) The department shall approve at least two nationally 13862
recognized high school equivalency tests for the purpose of 13863
awarding certificates of high school equivalence under this 13864
section. For each test approved pursuant to division (B) of this 13865
section, the department shall ensure that the scores required 13866
for passage are equivalent to the scores required for passage on 13867
the other approved equivalency tests. 13868

(C) All of the following shall be considered the 13869
equivalent of a certificate of high school equivalence awarded 13870
by the department under this section: 13871

(1) A high school equivalence diploma or a certificate of 13872
high school equivalence awarded by the state board of education 13873
prior to ~~the effective date of this section~~ September 14, 2016; 13874

(2) A certificate of high school equivalence issued prior 13875
to January 1, 1994, attesting to the achievement of the 13876
equivalent of a high school education as measured by scores 13877
obtained on tests of general educational development; 13878

(3) A statement issued by a primary-secondary education or 13879
higher education agency of another state that indicates that its 13880
holder has achieved the equivalent of a high school education as 13881
measured by scores obtained on a similar nationally recognized 13882
high school equivalency test. 13883

(D) ~~The state board~~ department, in consultation with the 13884
chancellor of higher education, shall adopt rules to administer 13885
this section and section 3301.81 of the Revised Code. 13886

Sec. 3301.81. (A) A person who meets all of the following 13887
criteria shall be permitted to take a high school equivalency 13888
test approved by the department of education and workforce 13889
pursuant to division (B) of section 3301.80 of the Revised Code: 13890

(1) The person is at least eighteen years of age.	13891
(2) The person is officially withdrawn from school.	13892
(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.	13893 13894 13895
(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:	13896 13897 13898 13899
(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.	13900 13901 13902
(2) The person is officially withdrawn from school.	13903
(3) The person submits, along with the application, written approval from the person's parent or guardian or a court official.	13904 13905 13906
(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.	13907 13908 13909 13910 13911 13912
(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	13913 13914 13915 13916 13917 13918

high school equivalence. If a person retakes a specific test, 13919
that person shall be responsible only for the cost of that test 13920
and not for the cost of the entire battery of tests, unless that 13921
person is retaking the entire battery. 13922

Sec. 3301.923. The department of education and workforce 13923
shall establish a clearinghouse of best practices that schools 13924
may use to promote student health. The department shall update 13925
the clearinghouse as necessary. 13926

Sec. 3301.94. ~~Upon approval of the state board of~~ 13927
~~education, the superintendent of public instruction and the~~ 13928
~~chancellor of the Ohio board of regents~~ The department of 13929
education and workforce and the chancellor of higher education 13930
may enter into a memorandum of understanding under which the 13931
department ~~of education~~, on behalf of the chancellor, will 13932
receive and maintain copies of data records containing student 13933
information reported to the chancellor for the purpose of 13934
combining those records with the data reported to the education 13935
management information system, established under section 13936
3301.0714 of the Revised Code, to establish an education data 13937
repository that may be used to conduct longitudinal research and 13938
evaluation. The memorandum of understanding shall specify the 13939
following: 13940

(A) That, prior to establishing the repository, the 13941
~~superintendent~~ department and chancellor shall develop a 13942
strategic plan for the repository that outlines the goals to be 13943
achieved from its implementation and use. A copy of the 13944
strategic plan shall be provided to the governor, the president 13945
of the senate, and the speaker of the house of representatives. 13946

(B) That the chancellor shall submit all student data to 13947
be included in the repository to the independent contractor 13948

engaged by the department to create and maintain the student 13949
data verification codes required by division (D) (2) of section 13950
3301.0714 of the Revised Code. For each student included in the 13951
data submitted by the chancellor, the independent contractor 13952
shall determine whether a data verification code has been 13953
assigned to that student. In the case of a student to whom a 13954
data verification code has been assigned, the independent 13955
contractor shall add the code to the student's data record and 13956
remove from the data record any information that would enable 13957
the data verification code to be matched to personally 13958
identifiable student data. In the case of a student to whom a 13959
data verification code has not been assigned, the independent 13960
contractor shall assign a data verification code to the student, 13961
add the data verification code to the student's data record, and 13962
remove from the data record any information that would enable 13963
the data verification code to be matched to personally 13964
identifiable student data. After making the modifications 13965
described in this division, the independent contractor shall 13966
transmit the data to the department and the chancellor. 13967

(C) That the ~~superintendent~~ department and the chancellor 13968
jointly shall develop procedures for the maintenance of the data 13969
in the repository and shall designate the types of research that 13970
may be conducted using that data. Permitted uses of the data 13971
shall include, but are not limited to, the following: 13972

(1) Assisting the department, ~~superintendent, or state~~ 13973
~~board~~ in performing audit and evaluation functions concerning 13974
preschool, elementary, and secondary education as required or 13975
authorized by any provision of law, including division (C) of 13976
section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 13977
3301.58, and 3302.03 of the Revised Code; 13978

(2) Assisting the department and the chancellor in 13979
performing audit and evaluation functions concerning higher 13980
education as required or authorized by any provision of law, 13981
including sections 3333.04, 3333.041, 3333.047, 3333.122, 13982
3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of 13983
the Revised Code. 13984

(D) That the ~~superintendent~~ department and the chancellor, 13985
from time to time, jointly may enter into written agreements 13986
with entities for the use of data in the repository to conduct 13987
research and analysis designed to evaluate the effectiveness of 13988
programs or services, to measure progress against specific 13989
strategic planning goals, or for any other purpose permitted by 13990
law that the ~~superintendent~~ department and chancellor consider 13991
necessary for the performance of their duties under the Revised 13992
Code. The agreements may permit the disclosure of personally 13993
identifiable student information to the entity named in the 13994
agreement, provided that disclosure complies with the "Family 13995
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13996
U.S.C. 1232g, as amended, and regulations promulgated under that 13997
act prescribing requirements for such agreements. ~~The~~ 13998
~~superintendent shall notify the state board of each agreement~~ 13999
~~entered into under this division.~~ 14000

(E) That the data in the repository submitted by the 14001
department shall remain under the direct control of the 14002
department and that the data in the repository submitted by the 14003
chancellor shall remain under the direct control of the 14004
chancellor; 14005

(F) That the data in the repository shall be managed in a 14006
manner that complies with the "Family Educational Rights and 14007
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 14008

(G) That all costs related to the initial establishment 14009
and ongoing maintenance of the repository shall be paid from 14010
funds received from state incentive grants awarded under 14011
division (A), Title XIV, section 14006 of the American Recovery 14012
and Reinvestment Act of 2009, other federal grant programs, or 14013
existing appropriations of the department or chancellor that are 14014
designated for a purpose consistent with this section; 14015

(H) That the department annually shall report to ~~the state~~ 14016
~~board~~ and the chancellor all requests for access to or use of 14017
the data in the repository and all costs related to the initial 14018
establishment and ongoing maintenance of the repository. 14019

Sec. 3301.941. As used in this section, "early childhood 14020
program" means any publicly funded program providing services to 14021
children younger than compulsory school age, as defined in 14022
section 3321.01 of the Revised Code. 14023

Student level data records collected and maintained for 14024
purposes of administering early childhood programs shall be 14025
assigned a unique student data verification code in accordance 14026
with division (D)(2) of section 3301.0714 of the Revised Code 14027
and shall be included in the combined data repository authorized 14028
by section 3301.94 of the Revised Code. The department of 14029
education and workforce may require certain personally 14030
identifiable student data, including student names, to be 14031
reported to the department for purposes of administering early 14032
childhood programs but not be included in the combined data 14033
repository. The department and each school or center providing 14034
services through an early childhood program that receives a 14035
student level data record, a data verification code, or other 14036
personally identifiable information shall not release that 14037
record, code, or other information to any person except as 14038

provided by section 3319.321 of the Revised Code or the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g. Any document relative to an early childhood program that the department holds in its files that contains a student's name, data verification code, or other personally identifiable information shall not be a public record under section 149.43 of the Revised Code.

Any state agency that administers an early childhood program may use student data contained in the combined data repository to conduct research and analysis designed to evaluate the effectiveness of and investments in that program, in compliance with the Family Educational Rights and Privacy Act and regulations promulgated under that act.

Sec. 3301.948. Notwithstanding anything in the Revised Code to the contrary, the department of education and workforce, any school district, any school, or any third party under contract with the state, a school district, or a school shall not provide student names and addresses to any multi-state consortium that offers summative assessments.

Sec. 3302.01. As used in this chapter:

(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:

(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. 14068

(2) For the assessments prescribed by division (B) (1) of 14069
section 3301.0710 and division (B) (2) of section 3301.0712 of 14070
the Revised Code, the average for each of the subject areas of 14071
English language arts, mathematics, science, American history, 14072
and American government. The average also shall include any 14073
substitute examinations approved under division (B) (4) of 14074
section 3301.0712 of the Revised Code in the subject areas of 14075
science, American history, and American government. 14076

The department of education and workforce shall assign 14077
weights such that students who do not take an assessment receive 14078
a weight of zero and students who take an assessment receive 14079
progressively larger weights dependent upon the level of skill 14080
attained on the assessment. The department shall assign 14081
additional weights to students who have been permitted to pass 14082
over a subject in accordance with a student acceleration policy 14083
adopted under section 3324.10 of the Revised Code. If such a 14084
student attains the proficient score prescribed under division 14085
(A) (2) (c) of section 3301.0710 of the Revised Code or higher on 14086
an assessment, the department shall assign the student the 14087
weight prescribed for the next higher scoring level. If such a 14088
student attains the advanced score, prescribed under division 14089
(A) (2) (a) of section 3301.0710 of the Revised Code, on an 14090
assessment, the department shall assign to the student an 14091
additional proportional weight, ~~as approved by the state board.~~ 14092
For each school year that such a student's score is included in 14093
the performance index score and the student attains the 14094
proficient score on an assessment, that additional weight shall 14095
be assigned to the student on a subject-by-subject basis. 14096

Students shall be included in the "performance index 14097

score" in accordance with division (L) (2) of section 3302.03 of the Revised Code. 14098
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(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: 14100
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(1) Major racial and ethnic groups; 14103

(2) Students with disabilities; 14104

(3) Economically disadvantaged students; 14105

(4) English learners; 14106

(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. 14107
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(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education. 14115
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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 14121
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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other 14124
14125

educational enrichment activities, that is conducted outside of 14126
the regular school day by a provider approved by the department 14127
in accordance with the "No Child Left Behind Act of 2001." 14128

(F) "Value-added progress dimension" means a measure of 14129
academic gain for a student or group of students over a specific 14130
period of time that is calculated by applying a statistical 14131
methodology to individual student achievement data derived from 14132
the achievement assessments prescribed by section 3301.0710 of 14133
the Revised Code. The "value-added progress dimension" shall be 14134
developed and implemented in accordance with section 3302.021 of 14135
the Revised Code. 14136

(G) (1) "Four-year adjusted cohort graduation rate" means 14137
the number of students who graduate in four years or less with a 14138
regular high school diploma divided by the number of students 14139
who form the adjusted cohort for the graduating class. 14140

(2) "Five-year adjusted cohort graduation rate" means the 14141
number of students who graduate in five years with a regular 14142
high school diploma divided by the number of students who form 14143
the adjusted cohort for the four-year graduation rate. 14144

(H) "State institution of higher education" has the same 14145
meaning as in section 3345.011 of the Revised Code. 14146

(I) "Annual measurable objectives" means a measure of 14147
student progress determined in accordance with an agreement 14148
between the department of education and workforce and the United 14149
States department of education. 14150

(J) "Community school" means a community school 14151
established under Chapter 3314. of the Revised Code. 14152

(K) "STEM school" means a science, technology, 14153
engineering, and mathematics school established under Chapter 14154

3326. of the Revised Code. 14155

(L) "Entitled to attend school in the district" means 14156
entitled to attend school in a school district under section 14157
3313.64 or 3313.65 of the Revised Code. 14158

Sec. 3302.02. (A) Not later than one year after the 14159
adoption of rules under division (D) of section 3301.0712 of the 14160
Revised Code and at least every sixth year thereafter, ~~upon~~ 14161
~~recommendations of the superintendent of public instruction, the~~ 14162
~~state board department of education and workforce shall~~ 14163
establish all of the following: 14164

(1) A set of performance indicators that considered as a 14165
unit will be used as one of the performance categories for the 14166
report cards required by section 3302.03 of the Revised Code. In 14167
establishing these indicators, the ~~superintendent department~~ 14168
shall consider inclusion of student performance on assessments 14169
prescribed under section 3301.0710 or 3301.0712 of the Revised 14170
Code, rates of student improvement on such assessments, the 14171
breadth of coursework available within the district, and other 14172
indicators of student success. 14173

Beginning with the report card issued under section 14174
3302.03 of the Revised Code for the 2021-2022 school year, the 14175
performance indicators prescribed under division (A)(1) of this 14176
section regarding student performance on state assessments shall 14177
not require a school district or building to attain a 14178
proficiency percentage to meet an indicator. Rather, the 14179
performance indicators only shall report proficiency 14180
percentages, trends, and comparisons. 14181

(2) A performance indicator that reflects the level of 14182
identification and services provided to, and the performance of, 14183

students identified as gifted under Chapter 3324. of the Revised Code. The indicator shall be prescribed by rules adopted under Chapter 119. of the Revised Code by the ~~state board~~ department. The ~~state board~~ department shall consult with the gifted advisory council regarding all rules adopted under this section. Consultation with the state gifted advisory council shall occur not less than every three years.

The gifted performance indicator shall include:

(a) The performance of students on state assessments, as measured by a performance index score, disaggregated for students identified as gifted;

(b) Value-added growth measure under section 3302.021 of the Revised Code, disaggregated for students identified as gifted;

(c) The level of identification as measured by the percentage of students in each grade level identified as gifted and disaggregated by traditionally underrepresented and economically disadvantaged students;

(d) The level of services provided to students as measured by the percentage of students provided services in each grade level and disaggregated by traditionally underrepresented and economically disadvantaged students.

(3) A performance indicator that measures chronic absenteeism, as determined by the ~~department of education~~, in a school district or school building.

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. 14213

(B) For the 2013-2014 school year, except as otherwise 14214
provided in this section, for any indicator based on the 14215
percentage of students attaining a proficient score on the 14216
assessments prescribed by divisions (A) and (B) (1) of section 14217
3301.0710 of the Revised Code, a school district or building 14218
shall be considered to have met the indicator if at least eighty 14219
per cent of the tested students attain a score of proficient or 14220
higher on the assessment. A school district or building shall be 14221
considered to have met the indicator for the assessments 14222
prescribed by division (B) (1) of section 3301.0710 of the 14223
Revised Code and only as administered to eleventh grade 14224
students, if at least eighty-five per cent of the tested 14225
students attain a score of proficient or higher on the 14226
assessment. 14227

The ~~state board~~ department shall adopt rules, under 14228
Chapter 119. of the Revised Code, to establish proficiency 14229
percentages to meet each indicator that is based on a state 14230
assessment, prescribed under section 3301.0710 or 3301.0712 of 14231
the Revised Code, for the 2014-2015, 2015-2016, 2016-2017, 2017- 14232
2018, 2018-2019, 2019-2020, and 2020-2021 school years by the 14233
following dates: 14234

(1) Not later than December 31, 2015, for the 2014-2015 14235
school year; 14236

(2) Not later than July 1, 2016, for the 2015-2016 school 14237
year; 14238

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 14239
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 14240

Sec. 3302.021. (A) ~~Not earlier than July 1, 2005, and not~~ 14241

~~later than July 1, 2007, the~~ The department of education and 14242
workforce shall implement a value-added progress dimension for 14243
school districts and buildings and shall incorporate the value- 14244
added progress dimension into the report cards and performance 14245
ratings issued for districts and buildings under section 3302.03 14246
of the Revised Code. 14247

The ~~state board of education department~~ shall adopt rules, 14248
pursuant to Chapter 119. of the Revised Code, for the 14249
implementation of the value-added progress dimension. The rules 14250
adopted under this division shall specify both of the following: 14251

(1) A scale for describing the levels of academic progress 14252
in reading and mathematics relative to a standard year of 14253
academic growth in those subjects for each of grades three 14254
through eight; 14255

(2) That the department shall maintain the confidentiality 14256
of individual student test scores and individual student reports 14257
in accordance with sections 3301.0711, 3301.0714, and 3319.321 14258
of the Revised Code and federal law. The department may require 14259
school districts to use a unique identifier for each student for 14260
this purpose. Individual student test scores and individual 14261
student reports shall be made available only to a student's 14262
classroom teacher and other appropriate educational personnel 14263
and to the student's parent or guardian. 14264

(B) The department shall explore the feasibility of using 14265
the value-added gain index and effect size to improve 14266
differentiation and interpretation of the measure. If the 14267
department determines that it is feasible, ~~the state board it~~ 14268
may update the rules adopted under division (A) of this section 14269
to implement the use of gain index and effect size. If rules are 14270
adopted under division (A) of this section that use the gain 14271

index and effect size, any prior method used to calculate letter 14272
grades or performance ratings under section 3302.03 of the 14273
Revised Code shall no longer apply. Rather, the ~~state board~~ 14274
department shall update its rules to determine how letter grades 14275
or performance ratings for each level of performance are 14276
calculated under section 3302.03 of the Revised Code using gain 14277
index and effect size. 14278

(C) The department shall use a system designed for 14279
collecting necessary data, calculating the value-added progress 14280
dimension, analyzing data, and generating reports, which system 14281
has been used previously by a nonprofit organization led by the 14282
Ohio business community for at least one year in the operation 14283
of a pilot program in cooperation with school districts to 14284
collect and report student achievement data via electronic means 14285
and to provide information to the districts regarding the 14286
academic performance of individual students, grade levels, 14287
school buildings, and the districts as a whole. 14288

(D) The department shall not pay more than two dollars per 14289
student for data analysis and reporting to implement the value- 14290
added progress dimension in the same manner and with the same 14291
services as under the pilot program described by division (B) of 14292
this section. However, nothing in this section shall preclude 14293
the department or any school district from entering into a 14294
contract for the provision of more services at a higher fee per 14295
student. Any data analysis conducted under this section by an 14296
entity under contract with the department shall be completed in 14297
accordance with timelines established by the ~~superintendent of~~ 14298
public instructiondirector of education and workforce. 14299

(E) The department shall share any aggregate student data 14300
and any calculation, analysis, or report utilizing aggregate 14301

student data that is generated under this section with the 14302
chancellor of ~~the Ohio board of regents~~higher education. The 14303
department shall not share individual student test scores and 14304
individual student reports with the chancellor. 14305

Sec. 3302.03. Not later than the thirty-first day of July 14306
of each year, the department of education and workforce shall 14307
submit preliminary report card data for overall academic 14308
performance and for each separate performance measure for each 14309
school district, and each school building, in accordance with 14310
this section. 14311

Annually, not later than the fifteenth day of September or 14312
the preceding Friday when that day falls on a Saturday or 14313
Sunday, the department shall assign a letter grade or 14314
performance rating for overall academic performance and for each 14315
separate performance measure for each school district, and each 14316
school building in a district, in accordance with this section. 14317
The ~~state board of education department~~ shall adopt rules 14318
pursuant to Chapter 119. of the Revised Code to implement this 14319
section. The ~~state board's department's~~ rules shall establish 14320
performance criteria for each letter grade or performance rating 14321
and prescribe a method by which the department assigns each 14322
letter grade or performance rating. For a school building to 14323
which any of the performance measures do not apply, due to grade 14324
levels served by the building, the department shall designate 14325
the performance measures that are applicable to the building and 14326
that must be calculated separately and used to calculate the 14327
building's overall grade or performance rating. The department 14328
shall issue annual report cards reflecting the performance of 14329
each school district, each building within each district, and 14330
for the state as a whole using the performance measures and 14331
letter grade or performance rating system described in this 14332

section. The department shall include on the report card for 14333
each district and each building within each district the most 14334
recent two-year trend data in student achievement for each 14335
subject and each grade. 14336

(A) (1) For the 2012-2013 school year, the department shall 14337
issue grades as described in division (F) of this section for 14338
each of the following performance measures: 14339

(a) Annual measurable objectives; 14340

(b) Performance index score for a school district or 14341
building. Grades shall be awarded as a percentage of the total 14342
possible points on the performance index system as adopted by 14343
the ~~state board~~department. In adopting benchmarks for assigning 14344
letter grades under division (A) (1) (b) of this section, the 14345
~~state board~~department shall designate ninety per cent or higher 14346
for an "A," at least seventy per cent but not more than eighty 14347
per cent for a "C," and less than fifty per cent for an "F." 14348

(c) The extent to which the school district or building 14349
meets each of the applicable performance indicators established 14350
by the ~~state board~~department under section 3302.02 of the 14351
Revised Code and the percentage of applicable performance 14352
indicators that have been achieved. In adopting benchmarks for 14353
assigning letter grades under division (A) (1) (c) of this 14354
section, the ~~state board~~department shall designate ninety per 14355
cent or higher for an "A." 14356

(d) The four- and five-year adjusted cohort graduation 14357
rates. 14358

In adopting benchmarks for assigning letter grades under 14359
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 14360
department shall designate a four-year adjusted cohort 14361

graduation rate of ninety-three per cent or higher for an "A" 14362
and a five-year cohort graduation rate of ninety-five per cent 14363
or higher for an "A." 14364

(e) The overall score under the value-added progress 14365
dimension of a school district or building, for which the 14366
department shall use up to three years of value-added data as 14367
available. The letter grade assigned for this growth measure 14368
shall be as follows: 14369

(i) A score that is at least one standard error of measure 14370
above the mean score shall be designated as an "A." 14371

(ii) A score that is less than one standard error of 14372
measure above but greater than one standard error of measure 14373
below the mean score shall be designated as a "B." 14374

(iii) A score that is less than or equal to one standard 14375
error of measure below the mean score but greater than two 14376
standard errors of measure below the mean score shall be 14377
designated as a "C." 14378

(iv) A score that is less than or equal to two standard 14379
errors of measure below the mean score but is greater than three 14380
standard errors of measure below the mean score shall be 14381
designated as a "D." 14382

(v) A score that is less than or equal to three standard 14383
errors of measure below the mean score shall be designated as an 14384
"F." 14385

Whenever the value-added progress dimension is used as a 14386
graded performance measure in this division and divisions (B) 14387
and (C) of this section, whether as an overall measure or as a 14388
measure of separate subgroups, the grades for the measure shall 14389
be calculated in the same manner as prescribed in division (A) 14390

(1) (e) of this section. 14391

(f) The value-added progress dimension score for a school 14392
district or building disaggregated for each of the following 14393
subgroups: students identified as gifted, students with 14394
disabilities, and students whose performance places them in the 14395
lowest quintile for achievement on a statewide basis. Each 14396
subgroup shall be a separate graded measure. 14397

(2) ~~Not later than April 30, 2013, the state board of~~ 14398
~~education~~ The department shall adopt a resolution describing the 14399
performance measures, benchmarks, and grading system for the 14400
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 14401
adopt rules in accordance with Chapter 119. of the Revised Code 14402
that prescribe the methods by which the performance measures 14403
under division (A) (1) of this section shall be assessed and 14404
assigned a letter grade, including performance benchmarks for 14405
each letter grade. 14406

At least forty-five days prior to the ~~state board's~~ 14407
department's adoption of rules to prescribe the methods by which 14408
the performance measures under division (A) (1) of this section 14409
shall be assessed and assigned a letter grade, the department 14410
shall conduct a public presentation before the standing 14411
committees of the house of representatives and the senate that 14412
consider education legislation describing such methods, 14413
including performance benchmarks. 14414

(3) There shall not be an overall letter grade for a 14415
school district or building for the 2012-2013 school year. 14416

(B) (1) For the 2013-2014 school year, the department shall 14417
issue grades as described in division (F) of this section for 14418
each of the following performance measures: 14419

(a) Annual measurable objectives;	14420
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board <u>department</u> shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	14421 14422 14423 14424 14425 14426 14427 14428
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board <u>department</u> under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board <u>department</u> shall designate ninety per cent or higher for an "A."	14429 14430 14431 14432 14433 14434 14435 14436
(d) The four- and five-year adjusted cohort graduation rates;	14437 14438
(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.	14439 14440 14441 14442
(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	14443 14444 14445 14446 14447 14448

achievement on a statewide basis. Each subgroup shall be a 14449
separate graded measure. 14450

(g) Whether a school district or building is making 14451
progress in improving literacy in grades kindergarten through 14452
three, as determined using a method prescribed by the ~~state-~~ 14453
~~board~~department. The ~~state board~~ department shall adopt rules to 14454
prescribe benchmarks and standards for assigning grades to 14455
districts and buildings for purposes of division (B) (1) (g) of 14456
this section. In adopting benchmarks for assigning letter grades 14457
under divisions (B) (1) (g) and (C) (1) (g) of this section, the 14458
~~state board~~ department shall determine progress made based on 14459
the reduction in the total percentage of students scoring below 14460
grade level, or below proficient, compared from year to year on 14461
the reading and writing diagnostic assessments administered 14462
under section 3301.0715 of the Revised Code and the third grade 14463
English language arts assessment under section 3301.0710 of the 14464
Revised Code, as applicable. The ~~state board~~ department shall 14465
designate for a "C" grade a value that is not lower than the 14466
statewide average value for this measure. No grade shall be 14467
issued under divisions (B) (1) (g) and (C) (1) (g) of this section 14468
for a district or building in which less than five per cent of 14469
students have scored below grade level on the diagnostic 14470
assessment administered to students in kindergarten under 14471
division (B) (1) of section 3313.608 of the Revised Code. 14472

(h) For a high mobility school district or building, an 14473
additional value-added progress dimension score. For this 14474
measure, the department shall use value-added data from the most 14475
recent school year available and shall use assessment scores for 14476
only those students to whom the district or building has 14477
administered the assessments prescribed by section 3301.0710 of 14478
the Revised Code for each of the two most recent consecutive 14479

school years. 14480

As used in this division, "high mobility school district
or building" means a school district or building where at least
twenty-five per cent of its total enrollment is made up of
students who have attended that school district or building for
less than one year. 14481
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(2) In addition to the graded measures in division (B) (1)
of this section, the department shall include on a school
district's or building's report card all of the following
without an assigned letter grade: 14486
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(a) The percentage of students enrolled in a district or
building participating in advanced placement classes and the
percentage of those students who received a score of three or
better on advanced placement examinations; 14490
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(b) The number of a district's or building's students who
have earned at least three college credits through dual
enrollment or advanced standing programs, such as the post-
secondary enrollment options program under Chapter 3365. of the
Revised Code and state-approved career-technical courses offered
through dual enrollment or statewide articulation, that appear
on a student's transcript or other official document, either of
which is issued by the institution of higher education from
which the student earned the college credit. The credits earned
that are reported under divisions (B) (2) (b) and (C) (2) (c) of
this section shall not include any that are remedial or
developmental and shall include those that count toward the
curriculum requirements established for completion of a degree. 14494
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(c) The percentage of students enrolled in a district or
building who have taken a national standardized test used for 14507
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college admission determinations and the percentage of those 14509
students who are determined to be remediation-free in accordance 14510
with standards adopted under division (F) of section 3345.061 of 14511
the Revised Code; 14512

(d) The percentage of the district's or the building's 14513
students who receive industry-recognized credentials as approved 14514
under section 3313.6113 of the Revised Code. 14515

(e) The percentage of students enrolled in a district or 14516
building who are participating in an international baccalaureate 14517
program and the percentage of those students who receive a score 14518
of four or better on the international baccalaureate 14519
examinations. 14520

(f) The percentage of the district's or building's 14521
students who receive an honors diploma under division (B) of 14522
section 3313.61 of the Revised Code. 14523

(3) ~~Not later than December 31, 2013, the state board~~ The 14524
department shall adopt rules in accordance with Chapter 119. of 14525
the Revised Code that prescribe the methods by which the 14526
performance measures under divisions (B) (1) (f) and (B) (1) (g) of 14527
this section will be assessed and assigned a letter grade, 14528
including performance benchmarks for each grade. 14529

At least forty-five days prior to the ~~state board's~~ 14530
department's adoption of rules to prescribe the methods by which 14531
the performance measures under division (B) (1) of this section 14532
shall be assessed and assigned a letter grade, the department 14533
shall conduct a public presentation before the standing 14534
committees of the house of representatives and the senate that 14535
consider education legislation describing such methods, 14536
including performance benchmarks. 14537

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance

indicators that have been achieved. In adopting benchmarks for 14568
assigning letter grades under division (C) (1) (c) of this 14569
section, the ~~state board~~ department shall designate ninety per 14570
cent or higher for an "A." 14571

(d) The four- and five-year adjusted cohort graduation 14572
rates; 14573

(e) The overall score under the value-added progress 14574
dimension, or another measure of student academic progress if 14575
adopted by the ~~state board~~ department, of a school district or 14576
building, for which the department shall use up to three years 14577
of value-added data as available. 14578

In adopting benchmarks for assigning letter grades for 14579
overall score on value-added progress dimension under division 14580
(C) (1) (e) of this section, the ~~state board~~ department shall 14581
prohibit the assigning of a grade of "A" for that measure unless 14582
the district's or building's grade assigned for value-added 14583
progress dimension for all subgroups under division (C) (1) (f) of 14584
this section is a "C" or higher. 14585

For the metric prescribed by division (C) (1) (e) of this 14586
section, the ~~state board~~ department may adopt a student academic 14587
progress measure to be used instead of the value-added progress 14588
dimension. If the ~~state board~~ department adopts such a measure, 14589
it also shall prescribe a method for assigning letter grades for 14590
the new measure that is comparable to the method prescribed in 14591
division (A) (1) (e) of this section. 14592

(f) The value-added progress dimension score of a school 14593
district or building disaggregated for each of the following 14594
subgroups: students identified as gifted in superior cognitive 14595
ability and specific academic ability fields under Chapter 3324. 14596

of the Revised Code, students with disabilities, and students 14597
whose performance places them in the lowest quintile for 14598
achievement on a statewide basis, as determined by a method 14599
prescribed by the ~~state board~~department. Each subgroup shall be 14600
a separate graded measure. 14601

The ~~state board~~department may adopt student academic 14602
progress measures to be used instead of the value-added progress 14603
dimension. If the ~~state board~~department adopts such measures, 14604
it also shall prescribe a method for assigning letter grades for 14605
the new measures that is comparable to the method prescribed in 14606
division (A) (1) (e) of this section. 14607

(g) Whether a school district or building is making 14608
progress in improving literacy in grades kindergarten through 14609
three, as determined using a method prescribed by the ~~state~~
~~board~~department. The ~~state board~~department shall adopt rules to 14611
prescribe benchmarks and standards for assigning grades to a 14612
district or building for purposes of division (C) (1) (g) of this 14613
section. The ~~state board~~department shall designate for a "C" 14614
grade a value that is not lower than the statewide average value 14615
for this measure. No grade shall be issued under division (C) (1) 14616
(g) of this section for a district or building in which less 14617
than five per cent of students have scored below grade level on 14618
the kindergarten diagnostic assessment under division (B) (1) of 14619
section 3313.608 of the Revised Code. 14620

(h) For a high mobility school district or building, an 14621
additional value-added progress dimension score. For this 14622
measure, the department shall use value-added data from the most 14623
recent school year available and shall use assessment scores for 14624
only those students to whom the district or building has 14625
administered the assessments prescribed by section 3301.0710 of 14626

the Revised Code for each of the two most recent consecutive 14627
school years. 14628

As used in this division, "high mobility school district 14629
or building" means a school district or building where at least 14630
twenty-five per cent of its total enrollment is made up of 14631
students who have attended that school district or building for 14632
less than one year. 14633

(2) In addition to the graded measures in division (C) (1) 14634
of this section, the department shall include on a school 14635
district's or building's report card all of the following 14636
without an assigned letter grade: 14637

(a) The percentage of students enrolled in a district or 14638
building who have taken a national standardized test used for 14639
college admission determinations and the percentage of those 14640
students who are determined to be remediation-free in accordance 14641
with the standards adopted under division (F) of section 14642
3345.061 of the Revised Code; 14643

(b) The percentage of students enrolled in a district or 14644
building participating in advanced placement classes and the 14645
percentage of those students who received a score of three or 14646
better on advanced placement examinations; 14647

(c) The percentage of a district's or building's students 14648
who have earned at least three college credits through advanced 14649
standing programs, such as the college credit plus program under 14650
Chapter 3365. of the Revised Code and state-approved career- 14651
technical courses offered through dual enrollment or statewide 14652
articulation, that appear on a student's college transcript 14653
issued by the institution of higher education from which the 14654
student earned the college credit. The credits earned that are 14655

reported under divisions (B) (2) (b) and (C) (2) (c) of this section 14656
shall not include any that are remedial or developmental and 14657
shall include those that count toward the curriculum 14658
requirements established for completion of a degree. 14659

(d) The percentage of the district's or building's 14660
students who receive an honor's diploma under division (B) of 14661
section 3313.61 of the Revised Code; 14662

(e) The percentage of the district's or building's 14663
students who receive industry-recognized credentials as approved 14664
under section 3313.6113 of the Revised Code; 14665

(f) The percentage of students enrolled in a district or 14666
building who are participating in an international baccalaureate 14667
program and the percentage of those students who receive a score 14668
of four or better on the international baccalaureate 14669
examinations; 14670

(g) The results of the college and career-ready 14671
assessments administered under division (B) (1) of section 14672
3301.0712 of the Revised Code; 14673

(h) Whether the school district or building has 14674
implemented a positive behavior intervention and supports 14675
framework in compliance with the requirements of section 3319.46 14676
of the Revised Code, notated as a "yes" or "no" answer. 14677

(3) The ~~state board~~ department shall adopt rules pursuant 14678
to Chapter 119. of the Revised Code that establish a method to 14679
assign an overall grade for a school district or school building 14680
for the 2017-2018 school year and each school year thereafter. 14681
The rules shall group the performance measures in divisions (C) 14682
(1) and (2) of this section into the following components: 14683

(a) Gap closing, which shall include the performance 14684

measure in division (C) (1) (a) of this section; 14685

(b) Achievement, which shall include the performance 14686
measures in divisions (C) (1) (b) and (c) of this section; 14687

(c) Progress, which shall include the performance measures 14688
in divisions (C) (1) (e) and (f) of this section; 14689

(d) Graduation, which shall include the performance 14690
measure in division (C) (1) (d) of this section; 14691

(e) Kindergarten through third-grade literacy, which shall 14692
include the performance measure in division (C) (1) (g) of this 14693
section; 14694

(f) Prepared for success, which shall include the 14695
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 14696
and (f) of this section. The ~~state board~~ department shall 14697
develop a method to determine a grade for the component in 14698
division (C) (3) (f) of this section using the performance 14699
measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 14700
this section. When available, the ~~state board~~ department may 14701
incorporate the performance measure under division (C) (2) (g) of 14702
this section into the component under division (C) (3) (f) of this 14703
section. When determining the overall grade for the prepared for 14704
success component prescribed by division (C) (3) (f) of this 14705
section, no individual student shall be counted in more than one 14706
performance measure. However, if a student qualifies for more 14707
than one performance measure in the component, the ~~state board~~ 14708
department may, in its method to determine a grade for the 14709
component, specify an additional weight for such a student that 14710
is not greater than or equal to 1.0. In determining the overall 14711
score under division (C) (3) (f) of this section, the ~~state board~~ 14712
department shall ensure that the pool of students included in 14713

the performance measures aggregated under that division are all 14714
of the students included in the four- and five-year adjusted 14715
graduation cohort. 14716

In the rules adopted under division (C)(3) of this 14717
section, the ~~state board department~~ shall adopt a method for 14718
determining a grade for each component in divisions (C)(3)(a) to 14719
(f) of this section. The ~~state board department~~ also shall 14720
establish a method to assign an overall grade of "A," "B," "C," 14721
"D," or "F" using the grades assigned for each component. The 14722
method the ~~state board department~~ adopts for assigning an 14723
overall grade shall give equal weight to the components in 14724
divisions (C)(3)(b) and (c) of this section. 14725

At least forty-five days prior to the ~~state board's~~ 14726
~~department's~~ adoption of rules to prescribe the methods for 14727
calculating the overall grade for the report card, as required 14728
by this division, the department shall conduct a public 14729
presentation before the standing committees of the house of 14730
representatives and the senate that consider education 14731
legislation describing the format for the report card, weights 14732
that will be assigned to the components of the overall grade, 14733
and the method for calculating the overall grade. 14734

(D) For the 2021-2022 school year and each school year 14735
thereafter, all of the following apply: 14736

(1) The department shall include on a school district's or 14737
building's report card all of the following performance measures 14738
without an assigned performance rating: 14739

(a) Whether the district or building meets the gifted 14740
performance indicator under division (A)(2) of section 3302.02 14741
of the Revised Code and the extent to which the district or 14742

building meets gifted indicator performance benchmarks; 14743

(b) The extent to which the district or building meets the 14744
chronic absenteeism indicator under division (A)(3) of section 14745
3302.02 of the Revised Code; 14746

(c) Performance index score percentage for a district or 14747
building, which shall be calculated by dividing the district's 14748
or building's performance index score according to the 14749
performance index system created by the department by the 14750
maximum performance index score for a district or building. The 14751
maximum performance index score shall be as follows: 14752

(i) For a building, the average of the highest two per 14753
cent of performance index scores achieved by a building for the 14754
school year for which a report card is issued; 14755

(ii) For a district, the average of the highest two per 14756
cent of performance index scores achieved by a district for the 14757
school year for which a report card is issued. 14758

(d) The overall score under the value-added progress 14759
dimension of a district or building, for which the department 14760
shall use three consecutive years of value-added data. In using 14761
three years of value-added data to calculate the measure 14762
prescribed under division (D)(1)(d) of this section, the 14763
department shall assign a weight of fifty per cent to the most 14764
recent year's data and a weight of twenty-five per cent to the 14765
data of each of the other years. However, if three consecutive 14766
years of value-added data is not available, the department shall 14767
use prior years of value-added data to calculate the measure, as 14768
follows: 14769

(i) If two consecutive years of value-added data is not 14770
available, the department shall use one year of value-added data 14771

to calculate the measure. 14772

(ii) If two consecutive years of value-added data is 14773
available, the department shall use two consecutive years of 14774
value-added data to calculate the measure. In using two years of 14775
value-added data to calculate the measure, the department shall 14776
assign a weight of sixty-seven per cent to the most recent 14777
year's data and a weight of thirty-three per cent to the data of 14778
the other year. 14779

(e) The four-year adjusted cohort graduation rate. 14780

(f) The five-year adjusted cohort graduation rate. 14781

(g) The percentage of students in the district or building 14782
who score proficient or higher on the reading segment of the 14783
third grade English language arts assessment under section 14784
3301.0710 of the Revised Code. 14785

To the extent possible, the department shall include the 14786
results of the summer administration of the third grade reading 14787
assessment under section 3301.0710 of the Revised Code in the 14788
performance measures prescribed under divisions (D) (1) (g) and 14789
(h) of this section. 14790

(h) Whether a district or building is making progress in 14791
improving literacy in grades kindergarten through three, as 14792
determined using a method prescribed by the department. The 14793
method shall determine progress made based on the reduction in 14794
the total percentage of students scoring below grade level, or 14795
below proficient, compared from year to year on the reading 14796
segments of the diagnostic assessments administered under 14797
section 3301.0715 of the Revised Code, including the 14798
kindergarten readiness assessment, and the third grade English 14799
language arts assessment under section 3301.0710 of the Revised 14800

Code, as applicable. The method shall not include a deduction 14801
for students who did not pass the third grade English language 14802
arts assessment under section 3301.0710 of the Revised Code and 14803
were not on a reading improvement and monitoring plan. 14804

The performance measure prescribed under division (D) (1) 14805
(h) of this section shall not be included on the report card of 14806
a district or building in which less than ten per cent of 14807
students have scored below grade level on the diagnostic 14808
assessment administered to students in kindergarten under 14809
division (B) (1) of section 3313.608 of the Revised Code. 14810

(i) The percentage of students in a district or building 14811
who are promoted to the fourth grade and not subject to 14812
retention under division (A) (2) of section 3313.608 of the 14813
Revised Code; 14814

(j) A post-secondary readiness measure. This measure shall 14815
be calculated by dividing the number of students included in the 14816
four-year adjusted graduation rate cohort who demonstrate post- 14817
secondary readiness by the total number of students included in 14818
the denominator of the four-year adjusted graduation rate 14819
cohort. Demonstration of post-secondary readiness shall include 14820
a student doing any of the following: 14821

(i) Attaining a remediation-free score, in accordance with 14822
standards adopted under division (F) of section 3345.061 of the 14823
Revised Code, on a nationally standardized assessment prescribed 14824
under division (B) (1) of section 3301.0712 of the Revised Code; 14825

(ii) Attaining required scores on three or more advanced 14826
placement or international baccalaureate examinations. The 14827
required score for an advanced placement examination shall be a 14828
three or better. The required score for an international 14829

baccalaureate examination shall be a four or better. A student 14830
may satisfy this condition with any combination of advanced 14831
placement or international baccalaureate examinations. 14832

(iii) Earning at least twelve college credits through 14833
advanced standing programs, such as the college credit plus 14834
program under Chapter 3365. of the Revised Code, an early 14835
college high school program under section 3313.6013 of the 14836
Revised Code, and state-approved career-technical courses 14837
offered through dual enrollment or statewide articulation, that 14838
appear on a student's college transcript issued by the 14839
institution of higher education from which the student earned 14840
the college credit. Earned credits reported under division (D) 14841
(1)(j)(iii) of this section shall include credits that count 14842
toward the curriculum requirements established for completion of 14843
a degree, but shall not include any remedial or developmental 14844
credits. 14845

(iv) Meeting the additional criteria for an honors diploma 14846
under division (B) of section 3313.61 of the Revised Code; 14847

(v) Earning an industry-recognized credential or license 14848
issued by a state agency or board for practice in a vocation 14849
that requires an examination for issuance of that license 14850
approved under section 3313.6113 of the Revised Code; 14851

(vi) Satisfying any of the following conditions: 14852

(I) Completing a pre-apprenticeship aligned with options 14853
established under section 3313.904 of the Revised Code in the 14854
student's chosen career field; 14855

(II) Completing an apprenticeship registered with the 14856
apprenticeship council established under section 4139.02 of the 14857
Revised Code in the student's chosen career field; 14858

(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	14859 14860 14861
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	14862 14863 14864
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	14865 14866 14867 14868
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	14869 14870 14871
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	14872 14873
(ix) 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.	14874 14875 14876
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.	14877 14878 14879 14880
(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:	14881 14882 14883 14884
(a) The applicable performance indicators established by the state board <u>department</u> under division (A) (1) of section	14885 14886

3302.02 of the Revised Code;	14887
(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;	14888 14889 14890
(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;	14891 14892 14893 14894
(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:	14895 14896 14897 14898 14899 14900
(i) Students who are still enrolled in the district or building and receiving general education services;	14901 14902
(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;	14903 14904 14905 14906 14907
(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;	14908 14909 14910 14911
(iv) Students who are no longer enrolled in any district or building;	14912 14913
(v) Students who, upon enrollment in the district or	14914

building for the first time, had completed fewer units of high 14915
school instruction required under section 3313.603 of the 14916
Revised Code than other students in the four- or five-year 14917
adjusted cohort graduation rate. 14918

The department may disaggregate the data prescribed under 14919
division (D) (2) (d) of this section according to other categories 14920
that the department determines are appropriate. 14921

(e) The results of the kindergarten diagnostic assessment 14922
prescribed under division (D) of section 3301.079 of the Revised 14923
Code; 14924

(f) Post-graduate outcomes for students who were enrolled 14925
in a district or building and received a high school diploma 14926
under section 3313.61 or 3325.08 of the Revised Code in the 14927
school year prior to the school year for which the report card 14928
is issued, including the percentage of students who: 14929

(i) Enrolled in a post-secondary educational institution. 14930
To the extent possible, the department shall disaggregate that 14931
data according to whether the student enrolled in a four-year 14932
institution of higher education, a two-year institution of 14933
higher education, an Ohio technical center that provides adult 14934
technical education services and is recognized by the chancellor 14935
of higher education, or another type of post-secondary 14936
educational institution. 14937

(ii) Entered an apprenticeship program registered with the 14938
apprenticeship council established under Chapter 4139. of the 14939
Revised Code. The department may include other job training 14940
programs with similar rigor and outcomes. 14941

(iii) Attained gainful employment, as determined by the 14942
department; 14943

(iv) Enlisted in a branch of the armed forces of the United States, as defined in section 5910.01 of the Revised Code.	14944 14945 14946
(g) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated with a "yes" or "no";	14947 14948 14949 14950
(h) The number and percentage of high school seniors in each school year who completed the free application for federal student aid;	14951 14952 14953
(i) Beginning with the report card issued under this section for the 2022-2023 school year, a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or building. To the extent possible, and when appropriate, the data shall be disaggregated by grade level and subgroup. The measure also shall include data regarding the statewide average, the average for similar school districts, and, for a building, the average for the district in which the building is located. The measure shall include all of the following data for the district or building:	14954 14955 14956 14957 14958 14959 14960 14961 14962 14963
(i) The average ratio of teachers of record to students in each grade level in a district or building;	14964 14965
(ii) The average ratio of school counselors to students in a district or building;	14966 14967
(iii) The average ratio of nurses to students in a district or building;	14968 14969
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	14970 14971

(v) The average ratio of social workers to students in a district or building;	14972 14973
(vi) The average ratio of mental health professionals to students in a district or building;	14974 14975
(vii) The average ratio of paraprofessionals to students in a district or building;	14976 14977
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	14978 14979
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	14980 14981
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	14982 14983
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	14984 14985 14986
(xii) The percentage of students enrolled in a performing or visual arts course;	14987 14988
(xiii) The percentage of students enrolled in a physical education or wellness course;	14989 14990
(xiv) The percentage of students enrolled in a world language course;	14991 14992
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	14993 14994
(xvi) The percentage of students participating in one or more cocurricular activities;	14995 14996
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors	14997 14998

courses, or courses offered through the college credit plus	14999
program established under Chapter 3365. of the Revised Code;	15000
(xviii) The percentage of students identified as gifted in	15001
superior cognitive ability and specific academic ability fields	15002
under Chapter 3324. of the Revised Code and receiving gifted	15003
services pursuant to that chapter;	15004
(xix) The percentage of students participating in	15005
enrichment or support programs offered by the district or	15006
building outside of the normal school day;	15007
(xx) The percentage of eligible students participating	15008
each school day in school breakfast programs offered by the	15009
district or building in accordance with section 3313.813 or	15010
3313.818 of the Revised Code;	15011
(xxi) The percentage of students who are transported by a	15012
school bus each school day;	15013
(xxii) The ratio of portable technology devices that	15014
students may take home to the number of students.	15015
The department shall include only opportunity measures at	15016
the building level for which data for buildings is available, as	15017
determined by a school district.	15018
(j) (i) The percentage of students included in the four-	15019
and five-year adjusted cohort graduation rates of the district	15020
or building who completed all of grades nine through twelve	15021
while enrolled in the district or building;	15022
(ii) The four-year adjusted cohort graduation rate for	15023
only those students who were continuously enrolled in the same	15024
district or building for grades nine through twelve.	15025
(k) The percentage of students in the district or building	15026

to whom both of the following apply: 15027

(i) The students are promoted to fourth grade and not 15028
subject to retention under division (A) (2) of section 3313.608 15029
of the Revised Code. 15030

(ii) The students completed all of the grade levels 15031
offered prior to the fourth grade in the district or building. 15032

(3) Except as provided in division (D) (3) (f) of this 15033
section, the department shall use the ~~state board's~~ method 15034
prescribed under rules adopted under division (D) (4) of this 15035
section to assign performance ratings of "one star," "two 15036
stars," "three stars," "four stars," or "five stars," as 15037
described in division (F) of this section, for a district or 15038
building for the individual components prescribed under division 15039
(D) (3) of this section. The department also shall assign an 15040
overall performance rating for a district or building in 15041
accordance with division (D) (3) (g) of this section. The method 15042
shall use the performance measures prescribed under division (D) 15043
(1) of this section to calculate performance ratings for 15044
components. The method may report data under division (D) (2) of 15045
this section with corresponding components, but shall not use 15046
the data to calculate performance ratings for that component. 15047
The performance measures and reported data shall be grouped 15048
together into components as follows: 15049

(a) Gap closing. In addition to other criteria determined 15050
appropriate by the department, performance ratings for the gap 15051
closing component shall reflect whether each of the following 15052
performance measures are met or not met: 15053

(i) The gifted performance indicator as described in 15054
division (D) (1) (a) of this section; 15055

(ii) The chronic absenteeism indicator as described in	15056
division (D) (1) (b) of this section;	15057
(iii) For English learners, an English language	15058
proficiency improvement indicator established by the department;	15059
(iv) The subgroup graduation targets;	15060
(v) The subgroup achievement targets in both mathematics	15061
and English language arts;	15062
(vi) The subgroup progress targets in both mathematics and	15063
English language arts.	15064
Achievement and progress targets under division (D) (3) (a)	15065
of this section shall be calculated individually, and districts	15066
and buildings shall receive a status of met or not met on each	15067
measure. The department shall not require a subgroup of a	15068
district or building to meet both the achievement and progress	15069
targets at the same time to receive a status of met.	15070
The department shall not include any subgroup data in this	15071
measure that includes data from fewer than fifteen students. Any	15072
penalty for failing to meet the required assessment	15073
participation rate must be partially in proportion to how close	15074
the district or building was to meeting the rate requirement.	15075
(b) Achievement, which shall include the performance	15076
measure in division (D) (1) (c) of this section and the reported	15077
data in division (D) (2) (a) of this section. Performance ratings	15078
for the achievement component shall be awarded as a percentage	15079
of the maximum performance index score described in division (D)	15080
(1) (c) of this section.	15081
(c) Progress, which shall include the performance measure	15082
in division (D) (1) (d) of this section and the reported data in	15083

divisions (D) (2) (b) and (c) of this section; 15084

(d) Graduation, which shall include the performance 15085
measures in divisions (D) (1) (e) and (f) of this section and the 15086
reported data in divisions (D) (2) (d) and (j) of this section. 15087
The four-year adjusted cohort graduation rate shall be assigned 15088
a weight of sixty per cent and the five-year adjusted cohort 15089
graduation rate shall be assigned a weight of forty per cent; 15090

(e) Early literacy, which shall include the performance 15091
measures in divisions (D) (1) (g), (h), and (i) of this section 15092
and the reported data in divisions (D) (2) (e) and (k) of this 15093
section. 15094

If the measure prescribed under division (D) (1) (h) of this 15095
section is included in a report card, performance ratings for 15096
the early literacy component shall give a weight of forty per 15097
cent to the measure prescribed under division (D) (1) (g) of this 15098
section, a weight of thirty-five per cent to the measure 15099
prescribed under division (D) (1) (i) of this section, and a 15100
weight of twenty-five per cent to the measure prescribed under 15101
division (D) (1) (h) of this section. 15102

If the measure prescribed under division (D) (1) (h) of this 15103
section is not included in a report card of a district or 15104
building, performance ratings for the early literacy component 15105
shall give a weight of sixty per cent to the measure prescribed 15106
under division (D) (1) (g) of this section and a weight of forty 15107
per cent to the measure prescribed under division (D) (1) (i) of 15108
this section. 15109

(f) College, career, workforce, and military readiness, 15110
which shall include the performance measure in division (D) (1) 15111
(j) of this section and the reported data in division (D) (2) (f) 15112

of this section. 15113

For the 2021-2022, 2022-2023, and 2023-2024 school years, 15114
the department only shall report the data for, and not assign a 15115
performance rating to, the college, career, workforce, and 15116
military readiness component. The reported data shall include 15117
the percentage of students who demonstrate post-secondary 15118
readiness using any of the options described in division (D)(1) 15119
(j) of this section. 15120

The department shall analyze the data included in the 15121
performance measure prescribed in division (D)(1)(j) of this 15122
section for the 2021-2022, 2022-2023, and 2023-2024 school 15123
years. Using that data, the department shall develop and propose 15124
rules for a method to assign a performance rating to the 15125
college, career, workforce, and military readiness component 15126
based on that measure. The method to assign a performance rating 15127
shall not include a tiered structure or per student bonuses. The 15128
rules shall specify that a district or building shall not 15129
receive lower than a performance rating of three stars for the 15130
component if the district's or building's performance on the 15131
component meets or exceeds a level of improvement set by the 15132
department. Notwithstanding division (D)(4)(b) of this section, 15133
more than half of the total districts and buildings may earn a 15134
performance rating of three stars on this component to account 15135
for the districts and buildings that earned a performance rating 15136
of three stars because they met or exceeded the level of 15137
improvement set by the department. 15138

The department shall submit the rules to the joint 15139
committee on agency rule review. The committee shall conduct at 15140
least one public hearing on the proposed rules and approve or 15141
disapprove the rules. If the committee approves the rules, the 15142

~~state board department~~ shall adopt the rules in accordance with 15143
Chapter 119. of the Revised Code. If the rules are adopted, the 15144
department shall assign a performance rating to the college, 15145
career, workforce, and military readiness component under the 15146
rules beginning with the 2024-2025 school year, and for each 15147
school year thereafter. If the committee disapproves the rules, 15148
the component shall be included in the report card only as 15149
reported data for the 2024-2025 school year, and each school 15150
year thereafter. 15151

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 15152
this section, beginning with the 2022-2023 school year, under 15153
the ~~state board's~~ method prescribed under rules adopted in 15154
division (D) (4) of this section, the department shall use the 15155
performance ratings assigned for the components prescribed in 15156
divisions (D) (3) (a) to (e) of this section to determine and 15157
assign an overall performance rating of "one star," "one and 15158
one-half stars," "two stars," "two and one-half stars," "three 15159
stars," "three and one-half stars," "four stars," "four and one- 15160
half stars," or "five stars" for a district or building. The 15161
method shall give equal weight to the components in divisions 15162
(D) (3) (b) and (c) of this section. The method shall give equal 15163
weight to the components in divisions (D) (3) (a), (d), and (e) of 15164
this section. The individual weights of each of the components 15165
prescribed in divisions (D) (3) (a), (d), and (e) of this section 15166
shall be equal to one-half of the weight given to the component 15167
prescribed in division (D) (3) (b) of this section. 15168

(ii) If the joint committee on agency rule review approves 15169
the department's rules regarding the college, career, workforce, 15170
and military readiness component as described in division (D) (3) 15171
(f) of this section, for the 2024-2025 school year, and each 15172
school year thereafter, the ~~state board's department's~~ method 15173

shall use the components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The ~~state board~~ department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D) (3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the ~~state board~~ department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The ~~state board~~ department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section,

more than half of all districts or buildings do not earn the 15204
same performance rating in any component or overall performance 15205
rating. 15206

(c) The ~~state board~~department shall adopt the rules 15207
prescribed by division (D)(4) of this section not later than 15208
March 31, 2022. However, the department shall notify districts 15209
and buildings of the changes to the report card prescribed in 15210
law not later than one week after the effective date of this 15211
amendment September 30, 2021. 15212

(d) Prior to adopting or updating rules under division (D) 15213
(4) of this section, the ~~president~~director of the ~~state board~~
education and workforce and the department shall conduct a 15214
public presentation before the standing committees of the house 15215
of representatives and the senate that consider primary and 15216
secondary education legislation describing the format for the 15217
report card and the performance criteria, benchmarks, and rating 15218
system, including the method to assign performance ratings under 15219
division (D)(3) of this section. 15220
15221

(E) ~~On or after July 1, 2015, the state board~~The 15222
department may develop a measure of student academic progress 15223
for high school students using only data from assessments in 15224
English language arts and mathematics. If the ~~state board~~
department develops this measure, each school district and 15225
applicable school building shall be assigned a separate letter 15226
grade for it not sooner than the 2017-2018 school year. The 15227
district's or building's grade for that measure shall not be 15228
included in determining the district's or building's overall 15229
letter grade. 15230
15231

(F)(1) The letter grades assigned to a school district or 15232
building under this section shall be as follows: 15233

(a) "A" for a district or school making excellent progress;	15234 15235
(b) "B" for a district or school making above average progress;	15236 15237
(c) "C" for a district or school making average progress;	15238
(d) "D" for a district or school making below average progress;	15239 15240
(e) "F" for a district or school failing to meet minimum progress.	15241 15242
(2) For the overall performance rating under division (D)	15243
(3) of this section, the department shall include a descriptor for each performance rating as follows:	15244 15245
(a) "Significantly exceeds state standards" for a performance rating of five stars;	15246 15247
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	15248 15249
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	15250 15251
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	15252 15253
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	15254 15255
(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the state board <u>department</u> shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated	15256 15257 15258 15259 15260

comparisons to other school districts and buildings if 15261
appropriate, and any other information determined by the ~~state-~~ 15262
~~board~~department. The descriptions shall be not longer than 15263
twenty-five words in length when possible. In addition to such 15264
descriptions, the ~~state board~~department shall include the 15265
descriptors in division (F) (2) of this section for component 15266
performance ratings. 15267

(4) Each report card issued under this section shall 15268
include all of the following: 15269

(a) A graphic that depicts the performance ratings of a 15270
district or school on a color scale. The color associated with a 15271
performance rating of three stars shall be green and the color 15272
associated with a performance rating of one star shall be red. 15273

(b) An arrow graphic that shows data trends for 15274
performance ratings for school districts or buildings. The ~~state-~~ 15275
~~board~~department shall determine the data to be used for this 15276
graphic, which shall include at least the three most recent 15277
years of data. 15278

(c) A description regarding the weights that are assigned 15279
to each component and used to determine an overall performance 15280
rating, as prescribed under division (D) (3) (g) of this section, 15281
which shall be included in the presentation of the overall 15282
performance rating on each report card. 15283

(G) When reporting data on student achievement and 15284
progress, the department shall disaggregate that data according 15285
to the following categories: 15286

(1) Performance of students by grade-level; 15287

(2) Performance of students by race and ethnic group; 15288

(3) Performance of students by gender;	15289
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	15290 15291
(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;	15292 15293 15294
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	15295 15296
(7) Performance of students grouped by those who are economically disadvantaged;	15297 15298
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15299 15300 15301
(9) Performance of students grouped by those who are classified as English learners;	15302 15303
(10) Performance of students grouped by those who have disabilities;	15304 15305
(11) Performance of students grouped by those who are classified as migrants;	15306 15307
(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.	15308 15309 15310 15311 15312 15313 15314 15315 15316

(13) Performance of students grouped by those who perform 15317
in the lowest quintile for achievement on a statewide basis, as 15318
determined by a method prescribed by the ~~state board~~department. 15319

The department may disaggregate data on student 15320
performance according to other categories that the department 15321
determines are appropriate. To the extent possible, the 15322
department shall disaggregate data on student performance 15323
according to any combinations of two or more of the categories 15324
listed in divisions (G) (1) to (13) of this section that it deems 15325
relevant. 15326

In reporting data pursuant to division (G) of this 15327
section, the department shall not include in the report cards 15328
any data statistical in nature that is statistically unreliable 15329
or that could result in the identification of individual 15330
students. For this purpose, the department shall not report 15331
student performance data for any group identified in division 15332
(G) of this section that contains less than ten students. If the 15333
department does not report student performance data for a group 15334
because it contains less than ten students, the department shall 15335
indicate on the report card that is why data was not reported. 15336

(H) The department may include with the report cards any 15337
additional education and fiscal performance data it deems 15338
valuable. 15339

(I) The department shall include on each report card a 15340
list of additional information collected by the department that 15341
is available regarding the district or building for which the 15342
report card is issued. When available, such additional 15343
information shall include student mobility data disaggregated by 15344
race and socioeconomic status, college enrollment data, and the 15345
reports prepared under section 3302.031 of the Revised Code. 15346

The department shall maintain a site on the world wide 15347
web. The report card shall include the address of the site and 15348
shall specify that such additional information is available to 15349
the public at that site. The department shall also provide a 15350
copy of each item on the list to the superintendent of each 15351
school district. The district superintendent shall provide a 15352
copy of any item on the list to anyone who requests it. 15353

(J) (1) (a) Except as provided in division (J) (1) (b) of this 15354
section, for any district that sponsors a conversion community 15355
school under Chapter 3314. of the Revised Code, the department 15356
shall combine data regarding the academic performance of 15357
students enrolled in the community school with comparable data 15358
from the schools of the district for the purpose of determining 15359
the performance of the district as a whole on the report card 15360
issued for the district under this section or section 3302.033 15361
of the Revised Code. 15362

(b) The department shall not combine data from any 15363
conversion community school that a district sponsors if a 15364
majority of the students enrolled in the conversion community 15365
school are enrolled in a dropout prevention and recovery program 15366
that is operated by the school, as described in division (A) (4) 15367
(a) of section 3314.35 of the Revised Code. The department shall 15368
include as an addendum to the district's report card the ratings 15369
and performance measures that are required under section 15370
3314.017 of the Revised Code for any community school to which 15371
division (J) (1) (b) of this section applies. This addendum shall 15372
include, at a minimum, the data specified in divisions (C) (1) 15373
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 15374

(2) Any district that leases a building to a community 15375
school located in the district or that enters into an agreement 15376

with a community school located in the district whereby the 15377
district and the school endorse each other's programs may elect 15378
to have data regarding the academic performance of students 15379
enrolled in the community school combined with comparable data 15380
from the schools of the district for the purpose of determining 15381
the performance of the district as a whole on the district 15382
report card. Any district that so elects shall annually file a 15383
copy of the lease or agreement with the department. 15384

(3) Any municipal school district, as defined in section 15385
3311.71 of the Revised Code, that sponsors a community school 15386
located within the district's territory, or that enters into an 15387
agreement with a community school located within the district's 15388
territory whereby the district and the community school endorse 15389
each other's programs, may exercise either or both of the 15390
following elections: 15391

(a) To have data regarding the academic performance of 15392
students enrolled in that community school combined with 15393
comparable data from the schools of the district for the purpose 15394
of determining the performance of the district as a whole on the 15395
district's report card; 15396

(b) To have the number of students attending that 15397
community school noted separately on the district's report card. 15398

The election authorized under division (J) (3) (a) of this 15399
section is subject to approval by the governing authority of the 15400
community school. 15401

Any municipal school district that exercises an election 15402
to combine or include data under division (J) (3) of this 15403
section, by the first day of October of each year, shall file 15404
with the department documentation indicating eligibility for 15405

that election, as required by the department. 15406

(K) The department shall include on each report card the 15407
percentage of teachers in the district or building who are 15408
properly certified or licensed teachers, as defined in section 15409
3319.074 of the Revised Code, and a comparison of that 15410
percentage with the percentages of such teachers in similar 15411
districts and buildings. 15412

(L) (1) In calculating English language arts, mathematics, 15413
science, American history, or American government assessment 15414
passage rates used to determine school district or building 15415
performance under this section, the department shall include all 15416
students taking an assessment with accommodation or to whom an 15417
alternate assessment is administered pursuant to division (C) (1) 15418
or (3) of section 3301.0711 of the Revised Code and all students 15419
who take substitute examinations approved under division (B) (4) 15420
of section 3301.0712 of the Revised Code in the subject areas of 15421
science, American history and American government. 15422

(2) In calculating performance index scores, rates of 15423
achievement on the performance indicators established by the 15424
~~state board~~ department under section 3302.02 of the Revised 15425
Code, and annual measurable objectives for determining adequate 15426
yearly progress for school districts and buildings under this 15427
section, the department shall do all of the following: 15428

(a) Include for each district or building only those 15429
students who are included in the ADM certified for the first 15430
full school week of October and are continuously enrolled in the 15431
district or building through the time of the spring 15432
administration of any assessment prescribed by division (A) (1) 15433
or (B) (1) of section 3301.0710 or division (B) of section 15434
3301.0712 of the Revised Code that is administered to the 15435

student's grade level; 15436

(b) Include cumulative totals from both the fall and 15437
spring administrations of the third grade English language arts 15438
achievement assessment and, to the extent possible, the summer 15439
administration of that assessment; 15440

(c) Except as required by the No Child Left Behind Act of 15441
2001, exclude for each district or building any English learner 15442
who has been enrolled in United States schools for less than one 15443
full school year. 15444

(M) Beginning with the 2015-2016 school year and at least 15445
once every three years thereafter, the ~~state board of education-~~ 15446
department shall review and may adjust the benchmarks for 15447
assigning letter grades or performance ratings to the 15448
performance measures and components prescribed under divisions 15449
(C) (3), (D), and (E) of this section. 15450

Sec. 3302.031. In addition to the report cards required 15451
under section 3302.03 of the Revised Code, the department of 15452
education and workforce shall annually prepare the following 15453
reports for each school district and make a copy of each report 15454
available to the superintendent of each district: 15455

(A) A funding and expenditure accountability report which 15456
shall consist of the amount of state aid payments the school 15457
district will receive during the fiscal year under Chapter 3317. 15458
of the Revised Code and any other fiscal data the department 15459
determines is necessary to inform the public about the financial 15460
status of the district; 15461

(B) A school safety and discipline report which shall 15462
consist of statistical information regarding student safety and 15463
discipline in each school building, including the number of 15464

suspensions and expulsions disaggregated according to race and 15465
gender; 15466

(C) A student equity report which shall consist of at 15467
least a description of the status of teacher qualifications, 15468
library and media resources, textbooks, classroom materials and 15469
supplies, and technology resources for each district. To the 15470
extent possible, the information included in the report required 15471
under this division shall be disaggregated according to grade 15472
level, race, gender, disability, and scores attained on 15473
assessments required under sections 3301.0710 and 3301.0712 of 15474
the Revised Code. 15475

(D) A school enrollment report which shall consist of 15476
information about the composition of classes within each 15477
district by grade and subject disaggregated according to race, 15478
gender, and scores attained on assessments required under 15479
sections 3301.0710 and 3301.0712 of the Revised Code; 15480

(E) A student retention report which shall consist of the 15481
number of students retained in their respective grade levels in 15482
the district disaggregated by grade level, subject area, race, 15483
gender, and disability; 15484

(F) A school district performance report which shall 15485
describe for the district and each building within the district 15486
the extent to which the district or building meets each of the 15487
applicable performance indicators established under section 15488
3302.02 of the Revised Code, the number of performance 15489
indicators that have been achieved, and the performance index 15490
score. In calculating the rates of achievement on the 15491
performance indicators and the performance index scores for each 15492
report, the department shall exclude all students with 15493
disabilities. 15494

Sec. 3302.032. (A) ~~Not later than December 31, 2011, the~~ 15495
~~state board~~ The department of education and workforce shall 15496
establish a measure of the following: 15497

(1) Student success in meeting the benchmarks contained in 15498
the physical education standards adopted under division (A) (3) 15499
of section 3301.079 of the Revised Code; 15500

(2) Compliance with the requirements for local wellness 15501
policies prescribed by section 204 of the "Child Nutrition and 15502
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 15503

(3) Whether a school district or building has elected to 15504
administer the screenings authorized by sections 3313.674, 15505
3314.15, and 3326.26 of the Revised Code; 15506

(4) Whether a school district or building is participating 15507
in the physical activity pilot program administered under 15508
section 3313.6016 of the Revised Code. 15509

(B) The measure shall be included on the school district 15510
and building report cards issued under section 3302.03 of the 15511
Revised Code, beginning with the report cards issued for the 15512
2012-2013 school year, but it shall not be a factor in the 15513
performance ratings issued under that section. 15514

(C) ~~The department of education~~ may accept, receive, and 15515
expend gifts, devises, or bequests of money for the purpose of 15516
establishing the measure required by this section. 15517

Sec. 3302.033. ~~The state board~~ department of education and 15518
workforce, in consultation with the chancellor of ~~the Ohio board~~ 15519
~~of regents~~ higher education, any office within the office of the 15520
governor concerning workforce development, the Ohio association 15521
of career and technical education, the Ohio association of city 15522
career-technical schools, and the Ohio association of career- 15523

technical superintendents, shall approve a report card for joint 15524
vocational school districts and for other career-technical 15525
planning districts that are not joint vocational school 15526
districts, which may contain disaggregated data for each joint 15527
vocational school district, if applicable. The ~~state board-~~ 15528
department shall submit details of the approved report card to 15529
the governor, the speaker of the house of representatives, the 15530
president of the senate, and the chairpersons of the standing 15531
committees of the house of representatives and the senate 15532
principally responsible for education policy. The department ~~of-~~ 15533
~~education~~ annually shall issue a report card for each joint 15534
vocational school district and other career-technical planning 15535
districts that are not joint vocational school districts, 15536
beginning with report cards for the 2012-2013 school year to be 15537
published not later than September 1, 2013. 15538

As used in this section, "career-technical planning 15539
district" means a school district or group of school districts 15540
designated by the department as being responsible for the 15541
planning for and provision of career-technical education 15542
services to students within the district or group. 15543

Sec. 3302.034. (A) ~~Not later than December 31, 2013, the-~~ 15544
~~state board-~~The department of education and workforce shall 15545
adopt and specify measures in addition to those included on the 15546
report card issued under section 3302.03 of the Revised Code. 15547
The measures adopted under this section shall be reported 15548
separately, as specified under division (B) of this section, for 15549
each school district, each building in a district, each 15550
community school established under Chapter 3314., each STEM 15551
school established under Chapter 3326., and each college- 15552
preparatory boarding school established under Chapter 3328. of 15553
the Revised Code. The measures shall include at least the 15554

following:	15555
(1) Data for students who have passed over a grade or subject area under an acceleration policy prescribed under section 3324.10 of the Revised Code;	15556 15557 15558
(2) The number of students who are economically disadvantaged as determined by the department of education ;	15559 15560
(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;	15561 15562 15563 15564
(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;	15565 15566
(5) Postgraduate student outcome data as described under division (E) (2) (d) (ii) of section 3314.017 of the Revised Code;	15567 15568
(6) Availability of courses in fine arts;	15569
(7) Participation with other school districts to provide career-technical education services to students.	15570 15571
(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.	15572 15573 15574
Sec. 3302.035. (A) Not later than October 1, 2015, and not later than the first day of October each year thereafter, the department of education <u>and workforce</u> shall report for each school district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code, the following measures for students with disabilities enrolled in that school district or	15575 15576 15577 15578 15579 15580 15581 15582

community, STEM, or college-preparatory boarding school: 15583

(1) The value-added progress dimension score disaggregated 15584
for that subgroup, as determined by the department; 15585

(2) The performance index score for that subgroup, as 15586
defined under division (A) of section 3302.01 of the Revised 15587
Code; 15588

(3) The four- and five-year adjusted cohort graduation 15589
rates, as defined under divisions (G) (1) and (2) of section 15590
3302.01 of the Revised Code, for that subgroup. 15591

(B) The department shall make each report completed 15592
pursuant to division (A) of this section available on its web 15593
site for comparison purposes. 15594

Sec. 3302.036. (A) Notwithstanding anything in the Revised 15595
Code to the contrary, the department of education and workforce 15596
shall not assign an overall letter grade under division (C) (3) 15597
of section 3302.03 of the Revised Code for any school district 15598
or building for the 2014-2015, 2015-2016, or 2016-2017 school 15599
years, may, at the discretion of the ~~state board of education~~ 15600
department, not assign an individual grade to any component 15601
prescribed under division (C) (3) of section 3302.03 of the 15602
Revised Code, and shall not rank school districts, community 15603
schools established under Chapter 3314. of the Revised Code, or 15604
STEM schools established under Chapter 3326. of the Revised Code 15605
under section 3302.21 of the Revised Code for those school 15606
years. The report card ratings issued for the 2014-2015, 2015- 15607
2016, or 2016-2017 school years shall not be considered in 15608
determining whether a school district or a school is subject to 15609
sanctions or penalties. However, the report card ratings of any 15610
previous or subsequent years shall be considered in determining 15611

whether a school district or building is subject to sanctions or 15612
penalties. Accordingly, the report card ratings for the 2014- 15613
2015, 2015-2016, or 2016-2017 school years shall have no effect 15614
in determining sanctions or penalties, but shall not create a 15615
new starting point for determinations that are based on ratings 15616
over multiple years. 15617

(B) The provisions from which a district or school is 15618
exempt under division (A) of this section shall be the 15619
following: 15620

(1) Any restructuring provisions established under this 15621
chapter, except as required under the "No Child Left Behind Act 15622
of 2001"; 15623

(2) Provisions for the Columbus city school pilot project 15624
under section 3302.042 of the Revised Code; 15625

(3) Provisions for academic distress commissions under 15626
former section 3302.10 of the Revised Code as it existed prior 15627
to October 15, 2015. The provisions of this section do not apply 15628
to academic distress commissions under the version of that 15629
section as it exists on or after October 15, 2015. 15630

(4) Provisions prescribing new buildings where students 15631
are eligible for the educational choice scholarships under 15632
section 3310.03 of the Revised Code; 15633

(5) Provisions defining "challenged school districts" in 15634
which new start-up community schools were required to be 15635
located, as prescribed in section 3314.02 of the Revised Code as 15636
it existed prior to ~~the effective date of this amendment~~ 15637
September 30, 2021; 15638

(6) Provisions prescribing community school closure 15639
requirements under section 3314.35 or 3314.351 of the Revised 15640

Code. 15641

(C) Notwithstanding anything in the Revised Code to the 15642
contrary and except as provided in Section 3 of H.B. 7 of the 15643
131st general assembly, no school district, community school, or 15644
STEM school shall utilize at any time during a student's 15645
academic career a student's score on any assessment administered 15646
under division (A) of section 3301.0710 or division (B) (2) of 15647
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 15648
2016, or 2016-2017 school years as a factor in any decision to 15649
promote or to deny the student promotion to a higher grade level 15650
or in any decision to grant course credit. No individual student 15651
score reports on such assessments administered in the 2014-2015, 15652
2015-2016, or 2016-2017 school years shall be released, except 15653
to a student's school district or school or to the student or 15654
the student's parent or guardian. 15655

Sec. 3302.037. (A) Not more than thirty days after the 15656
department of education and workforce issues report cards under 15657
section 3302.03 of the Revised Code, each school district and 15658
school building shall do the following: 15659

(1) Notify parents that the report card has been released 15660
and how parents can access the report card. Notification may 15661
include mailed letters, emails, newsletters, or any other 15662
proactive notification method used by districts and buildings to 15663
contact parents. 15664

(2) Include a link to the report card on the district's or 15665
school's web site. 15666

(B) Each superintendent of a school district shall present 15667
the results of the district's report card to the school district 15668
board of education not later than thirty days after the report 15669

cards are issued under section 3302.03 of the Revised Code. 15670

Sec. 3302.038. Not later than December 31, 2024, the 15671
department of education and workforce shall issue a report 15672
regarding the effectiveness of the state report cards issued 15673
under section 3302.03 of the Revised Code. In preparing the 15674
report, the department shall study the data included in the 15675
state report cards issued for the 2021-2022, 2022-2023, and 15676
2023-2024 school years. Based on that study, the department 15677
shall include in the report any recommendations for changes or 15678
improvements to the state report card. 15679

The department shall submit the report to the speaker of 15680
the house of representatives, the president of the senate, and 15681
the chairpersons of the standing committees of the house of 15682
representatives and the senate that consider education 15683
legislation. 15684

Sec. 3302.039. (A) The state report card review committee 15685
is hereby established on July 1, 2023. 15686

(B) The committee established under this section shall 15687
consist of the following members: 15688

(1) Two members of the house of representatives, both of 15689
whom shall not be members of the same political party, appointed 15690
by the speaker of the house of representatives. The minority 15691
leader of the house of representatives may recommend to the 15692
speaker of the house of representatives a member of the minority 15693
leader's political party to serve on the committee. 15694

(2) Two members of the senate, both of whom shall not be 15695
members of the same political party, appointed by the president 15696
of the senate. The minority leader of the senate may recommend 15697
to the president of the senate a member of the minority leader's 15698

political party to serve on the committee.	15699
(3) The superintendent <u>director</u> of public instruction <u>education and workforce</u> , or the state superintendent's <u>director's</u> designee;	15700 15701 15702
(4) The following members appointed by the state superintendent <u>director</u> :	15703 15704
(a) A classroom teacher who provides instruction in an elementary school;	15705 15706
(b) A classroom teacher who provides instruction in a high school;	15707 15708
(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;	15709 15710 15711 15712
(d) An individual with experience in providing special education or related services to children with disabilities under Chapter 3323. of the Revised Code;	15713 15714 15715
(e) An individual representing a chartered nonpublic school;	15716 15717
(f) A representative of the business community;	15718
(g) The parent of a child enrolled in any of grades kindergarten through twelve;	15719 15720
(h) A representative of community schools established under Chapter 3314. of the Revised Code;	15721 15722
(i) Two school district superintendents and one school principal. The state superintendent shall ensure that the representatives appointed under division (B) (4) (i) of this	15723 15724 15725

section represent urban, suburban, and rural school districts. 15726

(5) The member of the house of representatives appointed 15727
under division (B) (1) of this section, who is of the majority 15728
party, and the member of the senate appointed under division (B) 15729
(2) of this section, who is of the majority party, shall serve 15730
as co-chairpersons of the committee. 15731

(C) The committee established under this section shall 15732
conduct a study of the state report cards issued under section 15733
3302.03 of the Revised Code for the 2022-2023 school year and 15734
prior school years. Based on that study, the committee shall 15735
make recommendations for improvements, corrections, and 15736
clarifications to the state report card. 15737

Not later than June 30, 2024, the chairpersons of the 15738
committee shall submit a report of its findings to the ~~state~~ 15739
~~board of education~~ director and the chairpersons of the standing 15740
committees of the house of representatives and the senate that 15741
consider primary and secondary education legislation. 15742

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of~~ 15743
~~this section, for the 2014-2015 school year, and for each school~~ 15744
~~year thereafter, when a provision refers to a school district or~~ 15745
~~school building in a state of academic emergency, it shall mean~~ 15746
~~a district or building rated "F"; when a provision refers to a~~ 15747
~~school district or school building under an academic watch, it~~ 15748
~~shall mean a district or building rated "D"; and when a~~ 15749
~~provision refers to a school district or school building in need~~ 15750
~~of continuous improvement, it shall mean a district or building~~ 15751
~~rated "C" as those letter grade ratings for overall performance~~ 15752
~~are assigned under division (C) (3) of section 3302.03 of the~~ 15753
~~Revised Code, as it exists on or after March 22, 2013.~~ 15754

(A) The department of education and workforce shall 15755
establish a system of intensive, ongoing support for the 15756
improvement of school districts and school buildings. In 15757
accordance with the model of differentiated accountability 15758
described in section 3302.041 of the Revised Code, the system 15759
shall give priority to ~~the following:~~ 15760

~~(1) For any school year prior to the 2012-2013 school~~ 15761
~~year, districts and buildings that have been declared to be~~ 15762
~~under an academic watch or in a state of academic emergency~~ 15763
~~under section 3302.03 of the Revised Code;~~ 15764

~~(2) For the 2012-2013 school year, and for each school~~ 15765
~~year thereafter,~~ districts and buildings in the manner 15766
prescribed by any agreement currently in force between the 15767
department of education and workforce and the United States 15768
department of education. The department of education and 15769
workforce shall endeavor to include schools and buildings that 15770
receive grades or performance ratings under section 3302.03 of 15771
the Revised Code that the department considers to be low 15772
performing. 15773

The system shall include services provided to districts 15774
and buildings through regional service providers, such as 15775
educational service centers. The system may include the 15776
appointment of an improvement coordinator for any of the lowest 15777
performing districts, as determined by the department of 15778
education and workforce, to coordinate the district's academic 15779
improvement efforts and to build support among the community for 15780
those efforts. 15781

~~(B) This division does not apply to any school district~~ 15782
~~after June 30, 2008.~~ 15783

~~When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three year continuous improvement plan for the district or building containing each of the following:~~ 15784
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~~(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;~~ 15790
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~~(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B) (1) of this section;~~ 15795
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~~(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;~~ 15798
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~~(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;~~ 15801
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~~(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;~~ 15804
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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.~~ 15807
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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~~ 15810
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~~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.~~

~~(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.~~

~~(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.~~

~~(D) (1) For any school year prior to the 2012-2013 school
year, within one hundred twenty days after any school district
or building is declared to be in a state of academic emergency
under section 3302.03 of the Revised Code, the department may
initiate a site evaluation of the building or school district.~~

~~(2) For the 2012-2013 school year, and for each school
year thereafter, the (C) The department of education and
workforce may initiate a site evaluation of a building or school
district that meets the conditions for a site evaluation
prescribed by the agreement described in division ~~(A) (2)~~ (A) of
this section.~~

~~(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.~~ 15842
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~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~ 15844
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~~(4) Division (D) (4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D) (1), (2), and (3) of this section shall include, but not be limited to, the following:~~ 15858
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~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~ 15862
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~~(b) Determining pupil teacher ratios;~~ 15864

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;~~ 15865
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~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;~~ 15867
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~~(e) Examination of whether the teacher and principal~~ 15870

~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code,~~ 15871
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~~(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.~~ 15873
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~~(E)~~ (D) 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. 15876
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(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: 15882
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(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 performance of the building and any progress achieved toward that goal in the immediately preceding school year. 15885
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district 15892
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shall spend an amount equal to twenty 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 provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation 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, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code in providing transportation. 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 this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division ~~(E) (2)~~ (D) (2) of this section.

(b) If the building receives funds under Title I, Part A 15931
of the "Elementary and Secondary Education Act of 1965," 20 15932
U.S.C. 6311 to 6339, from the district, offer supplemental 15933
educational services to students who are enrolled in the 15934
building and who are in the subgroup described in division (B) 15935
(3) of section 3302.01 of the Revised Code. 15936

The district shall spend a combined total of an amount 15937
equal to twenty per cent of the funds it receives under Title I, 15938
Part A of the "Elementary and Secondary Education Act of 1965," 15939
20 U.S.C. 6311 to 6339, to provide transportation for students 15940
who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) 15941
(1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the 15942
costs of the supplemental educational services provided to 15943
students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, 15944
unless the district can satisfy all demand for transportation 15945
and pay the costs of supplemental educational services for those 15946
students who request them with a lesser amount. In allocating 15947
funds between the requirements of divisions ~~(E) (1) (b)~~ (D) (1) (b) 15948
and ~~(E) (2) (a)~~ (D) (2) (a) and (b) of this section, the district 15949
shall spend at least an amount equal to five per cent of the 15950
funds it receives under Title I, Part A of the "Elementary and 15951
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 15952
provide transportation for students who enroll in alternative 15953
buildings under division ~~(E) (1) (b)~~ (D) (1) (b) or ~~(E) (2) (a)~~ (D) (2) 15954
(a) of this section, unless the district can satisfy all demand 15955
for transportation with a lesser amount, and at least an amount 15956
equal to five per cent of the funds it receives under Title I, 15957
Part A of the "Elementary and Secondary Education Act of 1965," 15958
20 U.S.C. 6311 to 6339, to pay the costs of the supplemental 15959
educational services provided to students under division ~~(E) (2)~~ 15960
~~(b)~~ (D) (2) (b) of this section, unless the district can pay the 15961

costs of such services for all students requesting them with a 15962
lesser amount. If an amount equal to twenty per cent of the 15963
funds the district receives under Title I, Part A of the 15964
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 15965
to 6339, is insufficient to satisfy all demand for 15966
transportation under divisions ~~(E) (1) (b)~~ (D) (1) (b) and ~~(E) (2) (a)~~ 15967
(D) (2) (a) of this section and to pay the costs of all of the 15968
supplemental educational services provided to students under 15969
division ~~(E) (2) (b)~~ (D) (2) (b) of this section, the district shall 15970
grant priority over all other students in providing 15971
transportation and in paying the costs of supplemental 15972
educational services to the lowest achieving students among the 15973
subgroup described in division (B) (3) of section 3302.01 of the 15974
Revised Code. 15975

Any district that does not receive funds under Title I, 15976
Part A of the "Elementary and Secondary Education Act of 1965," 15977
20 U.S.C. 6311 to 6339, shall not be required to provide 15978
transportation to any student who enrolls in an alternative 15979
building under division ~~(E) (2) (a)~~ (D) (2) (a) of this section or 15980
to pay the costs of supplemental educational services provided 15981
to any student under division ~~(E) (2) (b)~~ (D) (2) (b) of this 15982
section. 15983

No student who enrolls in an alternative building under 15984
division ~~(E) (2) (a)~~ (D) (2) (a) of this section shall be eligible 15985
for supplemental educational services under division ~~(E) (2) (b)~~ 15986
(D) (2) (b) of this section. 15987

(3) For any school building that fails to make adequate 15988
yearly progress for four consecutive school years, the district 15989
shall continue to comply with division ~~(E) (2)~~ (D) (2) of this 15990
section and shall implement at least one of the following 15991

options with respect to the building:	15992
(a) 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;	15993 15994 15995
(b) Decrease the degree of authority the building has to manage its internal operations;	15996 15997
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) <u>(E)</u> of this section.	15998 15999 16000 16001 16002
(d) Extend the length of the school day or year;	16003
(e) Replace the building principal or other key personnel;	16004
(f) Reorganize the administrative structure of the building.	16005 16006
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E) (2) <u>(D) (2)</u> of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	16007 16008 16009 16010 16011 16012
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	16013 16014
(b) Replace personnel;	16015
(c) Contract with a nonprofit or for-profit entity to operate the building;	16016 16017
(d) Turn operation of the building over to the department;	16018

(e) Other significant restructuring of the building's governance. 16019
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(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division ~~(E)(2)~~ (D)(2) of this section and shall implement the plan developed pursuant to division ~~(E)(4)~~ (D)(4) of this section. 16021
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(6) A district shall continue to comply with division ~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)~~ (D)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years. 16026
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~~(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.~~ 16031
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~~(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed 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.~~ 16035
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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~~ 16045
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~~by the district pursuant to division (B) or (F) (1) of this section.~~ 16048
16049

~~(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:~~ 16050
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16053

~~(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;~~ 16054
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16056

~~(b) Direct the district to replace key district personnel;~~ 16057

~~(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;~~ 16058
16059
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~~(d) Establish alternative forms of governance for individual school buildings within the district;~~ 16061
16062

~~(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 16063
16064

~~The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.~~ 16065
16066
16067

~~(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F) (3) of this section with respect to the district.~~ 16068
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~~(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in~~ 16073
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~~division (F) (3) of this section with respect to the district,~~ 16076
~~provided that the corrective action the department takes is~~ 16077
~~different from the corrective action previously taken under~~ 16078
~~division (F) (3) of this section with respect to the district.~~ 16079

~~(G)~~ (E) The department may establish a state intervention 16080
team to evaluate all aspects of a school district or building, 16081
including management, curriculum, instructional methods, 16082
resource allocation, and scheduling. Any such intervention team 16083
shall be appointed by the department and shall include teachers 16084
and administrators recognized as outstanding in their fields. 16085
The intervention team shall make recommendations regarding 16086
methods for improving the performance of the district or 16087
building. 16088

The department shall not approve a district's request for 16089
an intervention team under division ~~(E) (3)~~ (D) (3) of this 16090
section if the department cannot adequately fund the work of the 16091
team, unless the district agrees to pay for the expenses of the 16092
team. 16093

~~(H)~~ (F) The department shall conduct individual audits of 16094
a sampling of community schools established under Chapter 3314. 16095
of the Revised Code to determine compliance with this section. 16096

~~(I)~~ (G) A school district in which the pilot project 16097
scholarship program is operating under sections 3313.974 to 16098
3313.979 of the Revised Code shall report the use of funding for 16099
tutorial assistance grants under that program in the district's 16100
three-year continuous improvement plan under this section in a 16101
manner approved by the department. 16102

~~(J)~~ (H) The state board department of education and 16103
workforce shall adopt rules for implementing this section. 16104

Sec. 3302.041. Beginning July 1, 2008, and contingent upon 16105
continued approval by the United States department of education, 16106
each school district that has been identified for improvement, 16107
or that contains a school building that has been identified for 16108
improvement, shall implement all corrective actions required by 16109
the model of differentiated accountability developed by the Ohio 16110
department of education and workforce and approved by the United 16111
States department of education. In any school year in which a 16112
district is subject to this division, the Ohio department of 16113
education and workforce shall notify the district, prior to the 16114
district's opening date, of the corrective actions it is 16115
required to implement in that school year. 16116

Sec. 3302.042. (A) This section shall operate as a pilot 16117
project that applies to any school that has been ranked 16118
according to performance index score under section 3302.21 of 16119
the Revised Code in the lowest five per cent of all public 16120
school buildings statewide for three or more consecutive school 16121
years and is operated by the Columbus city school district. The 16122
pilot project shall commence once the department of education 16123
and workforce establishes implementation guidelines for the 16124
pilot project in consultation with the Columbus city school 16125
district. 16126

(B) Except as provided in division (D), (E), or (F) of 16127
this section, if the parents or guardians of at least fifty per 16128
cent of the students enrolled in a school to which this section 16129
applies, or if the parents or guardians of at least fifty per 16130
cent of the total number of students enrolled in that school and 16131
the schools of lower grade levels whose students typically 16132
matriculate into that school, by the thirty-first day of 16133
December of any school year in which the school is subject to 16134
this section, sign and file with the school district treasurer a 16135

petition requesting the district board of education to implement 16136
one of the following reforms in the school, and if the validity 16137
and sufficiency of the petition is certified in accordance with 16138
division (C) of this section, the board shall implement the 16139
requested reform in the next school year: 16140

(1) Reopen the school as a community school under Chapter 16141
3314. of the Revised Code; 16142

(2) Replace at least seventy per cent of the school's 16143
personnel who are related to the school's poor academic 16144
performance or, at the request of the petitioners, retain not 16145
more than thirty per cent of the personnel; 16146

(3) Contract with another school district or a nonprofit 16147
or for-profit entity with a demonstrated record of effectiveness 16148
to operate the school; 16149

(4) Turn operation of the school over to the department; 16150

(5) Any other major restructuring of the school that makes 16151
fundamental reforms in the school's staffing or governance. 16152

(C) Not later than thirty days after receipt of a petition 16153
under division (B) of this section, the district treasurer shall 16154
verify the validity and sufficiency of the signatures on the 16155
petition and certify to the district board whether the petition 16156
contains the necessary number of valid signatures to require the 16157
board to implement the reform requested by the petitioners. If 16158
the treasurer certifies to the district board that the petition 16159
does not contain the necessary number of valid signatures, any 16160
person who signed the petition may file an appeal with the 16161
county auditor within ten days after the certification. Not 16162
later than thirty days after the filing of an appeal, the county 16163
auditor shall conduct an independent verification of the 16164

validity and sufficiency of the signatures on the petition and 16165
certify to the district board whether the petition contains the 16166
necessary number of valid signatures to require the board to 16167
implement the requested reform. If the treasurer or county 16168
auditor certifies that the petition contains the necessary 16169
number of valid signatures, the district board shall notify the 16170
~~superintendent of public instruction and the state board of~~ 16171
~~education department~~ of the certification. 16172

(D) The district board shall not implement the reform 16173
requested by the petitioners in any of the following 16174
circumstances: 16175

(1) The district board has determined that the request is 16176
for reasons other than improving student academic achievement or 16177
student safety. 16178

(2) The ~~state superintendent department~~ has determined 16179
that implementation of the requested reform would not comply 16180
with the model of differentiated accountability described in 16181
section 3302.041 of the Revised Code. 16182

(3) The petitioners have requested the district board to 16183
implement the reform described in division (B)(4) of this 16184
section and the department has not agreed to take over the 16185
school's operation. 16186

(4) When all of the following have occurred: 16187

(a) After a public hearing on the matter, the district 16188
board issued a written statement explaining the reasons that it 16189
is unable to implement the requested reform and agreeing to 16190
implement one of the other reforms described in division (B) of 16191
this section. 16192

(b) The district board submitted its written statement to 16193

the ~~state superintendent and the state board~~ department along 16194
with evidence showing how the alternative reform the district 16195
board has agreed to implement will enable the school to improve 16196
its academic performance. 16197

(c) ~~Both the state superintendent and the state board have~~ 16198
The department has approved implementation of the alternative 16199
reform. 16200

(E) If the provisions of this section conflict in any way 16201
with the requirements of federal law, federal law shall prevail 16202
over the provisions of this section. 16203

(F) If a school is restructured under this section, 16204
section 3302.10 or 3302.12 of the Revised Code, or federal law, 16205
the school shall not be required to restructure again under 16206
state law for three consecutive years after the implementation 16207
of that prior restructuring. 16208

(G) Beginning not later than six months after the first 16209
petition under this section has been resolved, the department ~~of~~ 16210
~~education~~ shall annually evaluate the pilot program and submit a 16211
report to the general assembly under section 101.68 of the 16212
Revised Code. Such reports shall contain its recommendations to 16213
the general assembly with respect to the continuation of the 16214
pilot program, its expansion to other school districts, or the 16215
enactment of further legislation establishing the program 16216
statewide under permanent law. 16217

Sec. 3302.043. (A) As used in this section, "eligible 16218
district" means a city school district to which both of the 16219
following apply: 16220

(1) The district has persistently low performance ratings, 16221
as determined by the department of education and workforce, 16222

under section 3302.03 of the Revised Code. 16223

(2) The district is not subject to an academic distress 16224
commission under section 3302.10 of the Revised Code. 16225

(B) The department shall establish the career promise 16226
academy summer demonstration pilot program. Under the pilot 16227
program, which shall operate in the 2021-2022 and 2022-2023 16228
school years, the department shall solicit proposals from 16229
eligible districts to establish and operate a career promise 16230
academy during the summer to provide students entering ninth 16231
grade with intensive literacy instruction, internship or 16232
mentoring experiences, and instruction regarding academic 16233
preparedness skills, life skills, and financial literacy. The 16234
department shall approve one proposal based on the criteria 16235
prescribed under division (C) of this section. The department 16236
shall award a grant to the eligible district with an approved 16237
proposal. 16238

(C) The department shall adopt criteria under which to 16239
approve a proposal for a career promise academy, which shall 16240
include all of the following: 16241

(1) A requirement that the career promise academy operate 16242
as follows: 16243

(a) For four consecutive weeks in the summer of 2021; 16244

(b) For five consecutive weeks in the summer of 2022. 16245

(2) A requirement that not more than seventy-five students 16246
participate in the career promise academy in one summer; 16247

(3) A requirement for the eligible district to submit to 16248
the department, in a form and manner prescribed by the 16249
department, any data that the department and district jointly 16250

determine is necessary to evaluate the pilot program; 16251

(4) A method to determine student eligibility to 16252
participate in the career promise academy. The method shall 16253
identify students entering ninth grade who are at risk of not 16254
qualifying for a high school diploma based on the student's 16255
scores on the English language arts and mathematics assessments 16256
prescribed under division (A) (1) (f) of section 3301.0710 of the 16257
Revised Code and other academic or social-emotional factors. 16258

(5) A description of the instruction and internship or 16259
mentoring experiences that participating students will receive; 16260

(6) An agreement with the district's business advisory 16261
council established under section 3313.82 of the Revised Code 16262
and other organizations or businesses to identify or provide 16263
internship and mentoring experiences to participating students; 16264

(7) An agreement with at least one institution of higher 16265
education to identify and engage with prospective teachers to 16266
serve as mentors and academic coaches to participating students. 16267

(D) The department shall adopt guidelines and procedures 16268
to operate the pilot program established under this section. 16269

Sec. 3302.05. The ~~state board~~ department of education and 16270
workforce shall adopt rules freeing school districts from 16271
specified state mandates if one of the following applies: 16272

(A) For the 2011-2012 school year, the school district was 16273
declared to be excellent under section 3302.03 of the Revised 16274
Code, as that section existed prior to March 22, 2013, and had 16275
above expected growth in the overall value-added measure. 16276

(B) For the 2012-2013 school year, the school district 16277
received a grade of "A" for the number of performance indicators 16278

met under division (A) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (A) (1) (e) of section 3302.03 of the Revised Code.

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, the school district received a grade of "A" for the number of performance indicators met under division (B) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B) (1) (e) of section 3302.03 of the Revised Code.

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 2020-2021 school year, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code.

~~(F)~~(E) For the 2021-2022 school year and for each school year thereafter, the school district received an overall performance rating of five stars under division (D) (3) of section 3302.03 of the Revised Code.

Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard adopted under division (D) (3) of section 3301.07 of the Revised Code.

Sec. 3302.06. (A) Any school of a city, exempted village, or local school district may apply to the district board of education to be designated as an innovation school. Each application shall include an innovation plan that contains the following:

(1) A statement of the school's mission and an explanation of how the designation would enhance the school's ability to

fulfill its mission;	16308
(2) A description of the innovations the school would implement;	16309 16310
(3) An explanation of how implementation of the innovations described in division (A) (2) of this section would affect the school's programs and policies, including any of the following that apply:	16311 16312 16313 16314
(a) The school's educational program;	16315
(b) The length of the school day and the school year;	16316
(c) The school's student promotion policy;	16317
(d) The school's plan for the assessment of students;	16318
(e) The school's budget;	16319
(f) The school's staffing levels.	16320
(4) A description of the improvements in student academic performance that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	16321 16322 16323
(5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	16324 16325 16326 16327
(6) A description of any laws in Title XXXIII of the Revised Code, rules adopted by the state board <u>department of education and workforce</u> , or requirements enacted by the district board that would need to be waived to implement the innovations described in division (A) (2) of this section;	16328 16329 16330 16331 16332
(7) A description of any provisions of a collective bargaining agreement covering personnel of the school that would	16333 16334

need to be waived to implement the innovations described in 16335
division (A) (2) of this section; 16336

(8) Evidence that a majority of the administrators 16337
assigned to the school and a majority of the teachers assigned 16338
to the school consent to seeking the designation and a statement 16339
of the level of support for seeking the designation demonstrated 16340
by other staff working in the school, students enrolled in the 16341
school and their parents, and members of the community in which 16342
the school is located. 16343

(B) Two or more schools of the district may apply to the 16344
district board to be designated as an innovation school zone, if 16345
the schools share common interests based on factors such as 16346
geographical proximity or similar educational programs or if the 16347
schools serve the same classes of students as they advance to 16348
higher grade levels. Each application shall include an 16349
innovation plan that contains the information prescribed by 16350
divisions (A) (1) to (8) of this section for each participating 16351
school and the following additional information: 16352

(1) A description of how innovations in the participating 16353
schools would be integrated to achieve results that would be 16354
less likely to be achieved by each participating school alone; 16355

(2) An estimate of any economies of scale that would be 16356
realized by implementing innovations jointly. 16357

Sec. 3302.062. (A) If a school district board of education 16358
approves an application under division (B) (1) of section 16359
3302.061 of the Revised Code or designates an innovation school 16360
or innovation school zone under division (D) of that section, 16361
the district board shall apply to the ~~state board~~ department of 16362
education and workforce for designation as a school district of 16363

innovation by submitting to the ~~state board department~~ the 16364
innovation plan included in the approved application or created 16365
by the district board. 16366

Within sixty days after receipt of the application, the 16367
~~state board department~~ shall designate the district as a school 16368
district of innovation, unless the ~~state board department~~ 16369
determines that the submitted innovation plan is not financially 16370
feasible or will likely result in decreased academic 16371
achievement. If the ~~state board department~~ so determines, it 16372
shall provide a written explanation of the basis for its 16373
determination to the district board. If the district is not 16374
designated as a school district of innovation, the district 16375
board shall not implement the innovation plan. However, the 16376
district board may reapply for designation as a school district 16377
of innovation at any time. 16378

(B) A district board may request the ~~state board~~ 16379
~~department~~ to make a preliminary review of an innovation plan 16380
prior to the district board's formal application for designation 16381
as a school district of innovation. In that case, the ~~state~~ 16382
~~board department~~ shall review the innovation plan and, within 16383
sixty days after the request, recommend to the district board 16384
any changes or additions that the ~~state board department~~ 16385
believes will improve the plan, which may include further 16386
innovations or measures to increase the likelihood that the 16387
innovations will result in higher academic achievement. The 16388
district board may revise the innovation plan prior to making 16389
formal application for designation as a school district of 16390
innovation. 16391

Sec. 3302.063. (A) Except as provided in division (B) of 16392
this section, upon designation of a school district of 16393

innovation under section 3302.062 of the Revised Code, the ~~state-~~ 16394
~~board-department~~ of education and workforce shall waive any laws 16395
in Title XXXVIII of the Revised Code or rules adopted by the 16396
~~state board department~~ that are specified in the innovation plan 16397
submitted by the district board of education as needing to be 16398
waived to implement the plan. The waiver shall apply only to the 16399
school or schools participating in the innovation plan and shall 16400
not apply to the district as a whole, unless each of the 16401
district's schools is a participating school. The waiver shall 16402
cease to apply to a school if the school's designation as an 16403
innovation school is revoked or the innovation school zone in 16404
which the school participates has its designation revoked under 16405
section 3302.065 of the Revised Code, or if the school is 16406
removed from an innovation school zone under that section or 16407
section 3302.064 of the Revised Code. 16408

(B) The ~~state board department~~ shall not waive any law or 16409
rule regarding the following: 16410

(1) Funding for school districts under Chapter 3317. of 16411
the Revised Code; 16412

(2) The requirements of Chapters 3323. and 3324. of the 16413
Revised Code for the provision of services to students with 16414
disabilities and gifted students; 16415

(3) Requirements related to the provision of career- 16416
technical education that are necessary to comply with federal 16417
law or maintenance of effort provisions; 16418

(4) Administration of the assessments prescribed by 16419
sections 3301.0710, 3301.0712, and 3301.0715 of the Revised 16420
Code; 16421

(5) Requirements related to the issuance of report cards 16422

and the assignment of performance ratings under section 3302.03	16423
of the Revised Code;	16424
(6) Implementation of the model of differentiated	16425
accountability under section 3302.041 of the Revised Code;	16426
(7) Requirements for the reporting of data to the	16427
department of education <u>and workforce</u> ;	16428
(8) Criminal records checks of school employees;	16429
(9) The requirements of Chapters 3307. and 3309. regarding	16430
the retirement systems for teachers and school employees.	16431
(C) If a district board's revisions to an innovation plan	16432
under section 3302.066 of the Revised Code require a waiver of	16433
additional laws or state board department rules, the state board	16434
<u>department</u> shall grant a waiver from those laws or rules upon	16435
evidence that administrators and teachers have consented to the	16436
revisions as required by that section.	16437
Sec. 3302.066. A school district board of education may	16438
revise an innovation plan approved or created under section	16439
3302.061 of the Revised Code, in collaboration with the school	16440
or schools participating in the plan, to further improve student	16441
academic performance. The revisions may include identifying	16442
additional laws in Title XXXVIII of the Revised Code, rules	16443
adopted by the state board <u>department of education and</u>	16444
<u>workforce</u> , requirements enacted by the district board, or	16445
provisions of a collective bargaining agreement that need to be	16446
waived. Any revisions to an innovation plan shall require the	16447
consent, in each school participating in the plan, of a majority	16448
of the administrators assigned to that school and a majority of	16449
the teachers assigned to that school.	16450
Sec. 3302.068. Not later than the first day of July each	16451

year, the department of education and workforce shall issue, and 16452
post on its web site, a report on school districts of 16453
innovation. The report shall include the following information: 16454

(A) The number of districts designated as school districts 16455
of innovation in the preceding school year and the total number 16456
of school districts of innovation statewide; 16457

(B) The number of innovation schools in each school 16458
district of innovation and the number of district students 16459
served by the schools, expressed as a total number and as a 16460
percentage of the district's total student population; 16461

(C) The number of innovation school zones in each school 16462
district of innovation, the number of schools participating in 16463
each zone, and the number of district students served by the 16464
participating schools, expressed as a total number and as a 16465
percentage of the district's total student population; 16466

(D) An overview of the innovations implemented in 16467
innovation schools and innovation school zones; 16468

(E) Data on the academic performance of the students 16469
enrolled in an innovation school or an innovation school zone in 16470
each school district of innovation, including a comparison of 16471
the students' academic performance before and after the 16472
district's designation as a school district of innovation; 16473

(F) Recommendations for legislative changes based on the 16474
innovations implemented or to enhance the ability of schools and 16475
districts to implement innovations. 16476

Sec. 3302.07. (A) The board of education of any school 16477
district, the governing board of any educational service center, 16478
or the administrative authority of any chartered nonpublic 16479
school may submit to the ~~state board~~ department of education and 16480

workforce an application proposing an innovative education pilot 16481
program the implementation of which requires exemptions from 16482
specific statutory provisions or rules. If a district or service 16483
center board employs teachers under a collective bargaining 16484
agreement adopted pursuant to Chapter 4117. of the Revised Code, 16485
any application submitted under this division shall include the 16486
written consent of the teachers' employee representative 16487
designated under division (B) of section 4117.04 of the Revised 16488
Code. The exemptions requested in the application shall be 16489
limited to any requirement of Title XXXVIII of the Revised Code 16490
or of any rule of the ~~state board~~ department adopted pursuant to 16491
that title except that the application may not propose an 16492
exemption from any requirement of or rule adopted pursuant to 16493
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 16494
3323. of the Revised Code. Furthermore, an exemption from any 16495
operating standard adopted under division (B) (2) or (D) of 16496
section 3301.07 of the Revised Code shall be granted only 16497
pursuant to a waiver granted by the ~~superintendent of public~~ 16498
~~instruction~~ director of education and workforce under division 16499
(O) of that section. 16500

(B) The ~~state board of education~~ department shall accept 16501
any application submitted in accordance with division (A) of 16502
this section. The ~~superintendent of public instruction~~ director 16503
shall approve or disapprove the application in accordance with 16504
standards for approval, which shall be adopted by the ~~state~~ 16505
~~board~~ department. 16506

(C) The ~~superintendent of public instruction~~ director 16507
shall exempt each district or service center board or chartered 16508
nonpublic school administrative authority with an application 16509
approved under division (B) of this section for a specified 16510
period from the statutory provisions or rules specified in the 16511

approved application. The period of exemption shall not exceed 16512
the period during which the pilot program proposed in the 16513
application is being implemented and a reasonable period to 16514
allow for evaluation of the effectiveness of the program. 16515

Sec. 3302.09. (A) Whenever the United States department of 16516
education makes changes in its policies or rules regarding 16517
implementation of the No Child Left Behind Act of 2001, the Ohio 16518
department of education and workforce shall submit a written 16519
description of those changes to each member of the standing 16520
committees on education of the senate and house of 16521
representatives. 16522

(B) If the Ohio department of education and workforce 16523
plans to change any of its policies or procedures regarding the 16524
state's implementation of the No Child Left Behind Act of 2001 16525
based on changes in federal polices or rules described in 16526
division (A) of this section, the Ohio department of education 16527
and workforce shall submit to each member of the standing 16528
committees a written outline of the existing Ohio policy 16529
regarding that implementation and a written description of the 16530
changes it proposes to make. 16531

(C) ~~On and after July 1, 2005, the~~ The Ohio department of 16532
education and workforce shall not make any change proposed under 16533
division (B) of this section unless the general assembly has 16534
adopted a concurrent resolution approving the proposed change. 16535

Sec. 3302.10. (A) ~~The superintendent of public instruction~~ 16536
department of education and workforce shall establish an 16537
academic distress commission for any school district that meets 16538
one of the following conditions: 16539

(1) The district has for three consecutive years received 16540

either of the following: 16541

(a) An overall grade of "F" under division (C) (3) of 16542
section 3302.03 of the Revised Code; 16543

(b) An overall performance rating of less than two stars 16544
under division (D) (3) of section 3302.03 of the Revised Code. 16545

(2) An academic distress commission established for the 16546
district under former section 3302.10 of the Revised Code was 16547
still in existence on October 15, 2015, and has been in 16548
existence for at least four years. 16549

(B) (1) The academic distress commission shall consist of 16550
five members as follows: 16551

(a) Three members appointed by the ~~state~~ 16552
~~superintendent~~director of education and workforce, one of whom 16553
is a resident in the county in which a majority of the 16554
district's territory is located; 16555

(b) One member appointed by the president of the district 16556
board of education, who shall be a teacher employed by the 16557
district; 16558

(c) One member appointed by the mayor of the municipality 16559
in which a majority of the district's territory is located or, 16560
if no such municipality exists, by the mayor of a municipality 16561
selected by the ~~state superintendent~~director of education and 16562
workforce in which the district has territory. 16563

Appointments to the commission shall be made within thirty 16564
days after the district is notified that it is subject to this 16565
section. Members of the commission shall serve at the pleasure 16566
of their appointing authority. The ~~state superintendent~~director 16567
shall designate a chairperson for the commission from among the 16568

members appointed by the ~~state superintendent~~director. The 16569
chairperson shall call and conduct meetings, set meeting 16570
agendas, and serve as a liaison between the commission and the 16571
chief executive officer appointed under division (C) (1) of this 16572
section. 16573

(2) In the case of a school district that meets the 16574
condition in division (A) (2) of this section, the academic 16575
distress commission established for the district under former 16576
section 3302.10 of the Revised Code shall be abolished and a new 16577
academic distress commission shall be appointed for the district 16578
pursuant to division (B) (1) of this section. 16579

(C) (1) Within sixty days after the ~~state superintendent~~ 16580
director has designated a chairperson for the academic distress 16581
commission, the commission shall appoint a chief executive 16582
officer for the district, who shall be paid by the department of 16583
education and workforce and shall serve at the pleasure of the 16584
commission. The individual appointed as chief executive officer 16585
shall have high-level management experience in the public or 16586
private sector. The chief executive officer shall exercise 16587
complete operational, managerial, and instructional control of 16588
the district, which shall include, but shall not be limited to, 16589
the following powers and duties, but the chief executive officer 16590
may delegate, in writing, specific powers or duties to the 16591
district board or district superintendent: 16592

(a) Replacing school administrators and central office 16593
staff; 16594

(b) Assigning employees to schools and approving 16595
transfers; 16596

(c) Hiring new employees; 16597

(d) Defining employee responsibilities and job descriptions;	16598 16599
(e) Establishing employee compensation;	16600
(f) Allocating teacher class loads;	16601
(g) Conducting employee evaluations;	16602
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	16603 16604
(i) Setting the school calendar;	16605
(j) Creating a budget for the district;	16606
(k) Contracting for services for the district;	16607
(l) Modifying policies and procedures established by the district board;	16608 16609
(m) Establishing grade configurations of schools;	16610
(n) Determining the school curriculum;	16611
(o) Selecting instructional materials and assessments;	16612
(p) Setting class sizes;	16613
(q) Providing for staff professional development.	16614
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	16615 16616 16617 16618 16619 16620 16621
(D) The academic distress commission, in consultation with	16622

the ~~state superintendent~~ director of education and workforce and 16623
the chief executive officer, shall be responsible for expanding 16624
high-quality school choice options in the district. The 16625
commission, in consultation with the ~~state~~ 16626
~~superintendent~~ director, may create an entity to act as a high- 16627
quality school accelerator for schools not operated by the 16628
district. The accelerator shall promote high-quality schools in 16629
the district, lead improvement efforts for underperforming 16630
schools, recruit high-quality sponsors for community schools, 16631
attract new high-quality schools to the district, and increase 16632
the overall capacity of schools to deliver a high-quality 16633
education for students. Any accelerator shall be an independent 16634
entity and the chief executive officer shall have no authority 16635
over the accelerator. 16636

(E) (1) Within thirty days after the chief executive 16637
officer is appointed, the chief executive officer shall convene 16638
a group of community stakeholders. The purpose of the group 16639
shall be to develop expectations for academic improvement in the 16640
district and to assist the district in building relationships 16641
with organizations in the community that can provide needed 16642
services to students. Members of the group shall include, but 16643
shall not be limited to, educators, civic and business leaders, 16644
and representatives of institutions of higher education and 16645
government service agencies. Within ninety days after the chief 16646
executive officer is appointed, the chief executive officer also 16647
shall convene a smaller group of community stakeholders for each 16648
school operated by the district to develop expectations for 16649
academic improvement in that school. The group convened for each 16650
school shall have teachers employed in the school and parents of 16651
students enrolled in the school among its members. 16652

(2) The chief executive officer shall create a plan to 16653

improve the district's academic performance. In creating the 16654
plan, the chief executive officer shall consult with the groups 16655
convened under division (E) (1) of this section. The chief 16656
executive officer also shall consider the availability of 16657
funding to ensure sustainability of the plan. The plan shall 16658
establish clear, measurable performance goals for the district 16659
and for each school operated by the district. The performance 16660
goals shall include, but not be limited to, the performance 16661
measures prescribed for report cards issued under section 16662
3302.03 of the Revised Code. Within ninety days after the chief 16663
executive officer is appointed, the chief executive officer 16664
shall submit the plan to the academic distress commission for 16665
approval. Within thirty days after the submission of the plan, 16666
the commission shall approve the plan or suggest modifications 16667
to the plan that will render it acceptable. If the commission 16668
suggests modifications, the chief executive officer may revise 16669
the plan before resubmitting it to the commission. The chief 16670
executive officer shall resubmit the plan, whether revised or 16671
not, within fifteen days after the commission suggests 16672
modifications. The commission shall approve the plan within 16673
thirty days after the plan is resubmitted. Upon approval of the 16674
plan by the commission, the chief executive officer shall 16675
implement the plan. 16676

(F) Notwithstanding any provision to the contrary in 16677
Chapter 4117. of the Revised Code, if the district board has 16678
entered into, modified, renewed, or extended a collective 16679
bargaining agreement on or after October 15, 2015, that contains 16680
provisions relinquishing one or more of the rights or 16681
responsibilities listed in division (C) of section 4117.08 of 16682
the Revised Code, those provisions are not enforceable and the 16683
chief executive officer and the district board shall resume 16684

holding those rights or responsibilities as if the district 16685
board had not relinquished them in that agreement until such 16686
time as both the academic distress commission ceases to exist 16687
and the district board agrees to relinquish those rights or 16688
responsibilities in a new collective bargaining agreement. For 16689
purposes of this section, "collective bargaining agreement" 16690
shall include any labor contract or agreement in effect with any 16691
applicable bargaining representative. The chief executive 16692
officer and the district board are not required to bargain on 16693
subjects reserved to the management and direction of the school 16694
district, including, but not limited to, the rights or 16695
responsibilities listed in division (C) of section 4117.08 of 16696
the Revised Code. The way in which these subjects and these 16697
rights or responsibilities may affect the wages, hours, terms 16698
and conditions of employment, or the continuation, modification, 16699
or deletion of an existing provision of a collective bargaining 16700
agreement is not subject to collective bargaining or effects 16701
bargaining under Chapter 4117. of the Revised Code. The 16702
provisions of this paragraph apply to a collective bargaining 16703
agreement entered into, modified, renewed, or extended on or 16704
after October 15, 2015, and those provisions are deemed to be 16705
part of that agreement regardless of whether the district 16706
satisfied the conditions prescribed in division (A) of this 16707
section at the time the district entered into that agreement. If 16708
the district board relinquished one or more of the rights or 16709
responsibilities listed in division (C) of section 4117.08 of 16710
the Revised Code in a collective bargaining agreement entered 16711
into prior to October 15, 2015, and had resumed holding those 16712
rights or responsibilities pursuant to division (K) of former 16713
section 3302.10 of the Revised Code, as it existed prior to that 16714
date, the district board shall continue to hold those rights or 16715
responsibilities until such time as both the new academic 16716

distress commission appointed under this section ceases to exist 16717
upon completion of the transition period specified in division 16718
(N) (1) of this section and the district board agrees to 16719
relinquish those rights or responsibilities in a new collective 16720
bargaining agreement. 16721

(G) In each school year that the district is subject to 16722
this section, the following shall apply: 16723

(1) The chief executive officer shall implement the 16724
improvement plan approved under division (E) (2) of this section 16725
and shall review the plan annually to determine if changes are 16726
needed. The chief executive officer may modify the plan upon the 16727
approval of the modifications by the academic distress 16728
commission. 16729

(2) The chief executive officer may implement innovative 16730
education programs to do any of the following: 16731

(a) Address the physical and mental well-being of students 16732
and their families; 16733

(b) Provide mentoring; 16734

(c) Provide job resources; 16735

(d) Disseminate higher education information; 16736

(e) Offer recreational or cultural activities; 16737

(f) Provide any other services that will contribute to a 16738
successful learning environment. 16739

The chief executive officer shall establish a separate 16740
fund to support innovative education programs and shall deposit 16741
any moneys appropriated by the general assembly for the purposes 16742
of division (G) (2) of this section in the fund. The chief 16743

executive officer shall have sole authority to disburse moneys 16744
from the fund until the district is no longer subject to this 16745
section. All disbursements shall support the improvement plan 16746
approved under division (E)(2) of this section. 16747

(3) If the district is not a school district in which the 16748
pilot project scholarship program is operating under sections 16749
3313.974 to 3313.979 of the Revised Code, each student who is 16750
entitled to attend school in the district under section 3313.64 16751
or 3313.65 of the Revised Code and is enrolled in a school 16752
operated by the district or in a community school, or will be 16753
both enrolling in any of grades kindergarten through twelve in 16754
this state for the first time and at least five years of age by 16755
the first day of January of the following school year, shall be 16756
eligible to participate in the educational choice scholarship 16757
pilot program established under sections 3310.01 to 3310.17 of 16758
the Revised Code and an application for the student may be 16759
submitted during the next application period. 16760

(4) Notwithstanding anything to the contrary in the 16761
Revised Code, the chief executive officer may limit, suspend, or 16762
alter any contract with an administrator that is entered into, 16763
modified, renewed, or extended by the district board on or after 16764
October 15, 2015, provided that the chief executive officer 16765
shall not reduce any salary or base hourly rate of pay unless 16766
such salary or base hourly rate reductions are part of a uniform 16767
plan affecting all district employees and shall not reduce any 16768
insurance benefits unless such insurance benefit reductions are 16769
also applicable generally to other employees of the district. 16770

(5) The chief executive officer shall represent the 16771
district board during any negotiations to modify, renew, or 16772
extend a collective bargaining agreement entered into by the 16773

board under Chapter 4117. of the Revised Code. 16774

(H) If the report card for the district has been issued 16775
under section 3302.03 of the Revised Code for the first school 16776
year that the district is subject to this section and the 16777
district does not meet the qualification in division (N) (1) of 16778
this section, the following shall apply: 16779

(1) The chief executive officer may reconstitute any 16780
school operated by the district. The chief executive officer 16781
shall present to the academic distress commission a plan that 16782
lists each school designated for reconstitution and explains how 16783
the chief executive officer plans to reconstitute the school. 16784
The chief executive officer may take any of the following 16785
actions to reconstitute a school: 16786

(a) Change the mission of the school or the focus of its 16787
curriculum; 16788

(b) Replace the school's principal and/or administrative 16789
staff; 16790

(c) Replace a majority of the school's staff, including 16791
teaching and nonteaching employees; 16792

(d) Contract with a nonprofit or for-profit entity to 16793
manage the operations of the school. The contract may provide 16794
for the entity to supply all or some of the staff for the 16795
school. 16796

(e) Reopen the school as a community school under Chapter 16797
3314. of the Revised Code or a science, technology, engineering, 16798
and mathematics school under Chapter 3326. of the Revised Code; 16799

(f) Permanently close the school. 16800

If the chief executive officer plans to reconstitute a 16801

school under division (H) (1) (e) or (f) of this section, the 16802
commission shall review the plan for that school and either 16803
approve or reject it by the thirtieth day of June of the school 16804
year. Upon approval of the plan by the commission, the chief 16805
executive officer shall reconstitute the school as outlined in 16806
the plan. 16807

(2) Notwithstanding any provision to the contrary in 16808
Chapter 4117. of the Revised Code, the chief executive officer, 16809
in consultation with the chairperson of the academic distress 16810
commission, may reopen any collective bargaining agreement 16811
entered into, modified, renewed, or extended on or after October 16812
15, 2015, for the purpose of renegotiating its terms. The chief 16813
executive officer shall have the sole discretion to designate 16814
any provisions of a collective bargaining agreement as subject 16815
to reopening by providing written notice to the bargaining 16816
representative. Any provisions designated for reopening by the 16817
chief executive officer shall be subject to collective 16818
bargaining as set forth in Chapter 4117. of the Revised Code. 16819
Any changes to the provisions subject to reopening shall take 16820
effect on the following first day of July or another date agreed 16821
to by the parties. The chief executive officer may reopen a 16822
collective bargaining agreement under division (H) (2) of this 16823
section as necessary to reconstitute a school under division (H) 16824
(1) of this section. 16825

(I) If the report card for the district has been issued 16826
under section 3302.03 of the Revised Code for the second school 16827
year that the district is subject to this section and the 16828
district does not meet the qualification in division (N) (1) of 16829
this section, the following shall apply: 16830

(1) The chief executive officer may exercise any of the 16831

powers authorized under division (H) of this section. 16832

(2) Notwithstanding any provision to the contrary in 16833
Chapter 4117. of the Revised Code, the chief executive officer 16834
may limit, suspend, or alter any provision of a collective 16835
bargaining agreement entered into, modified, renewed, or 16836
extended on or after October 15, 2015, provided that the chief 16837
executive officer shall not reduce any base hourly rate of pay 16838
and shall not reduce any insurance benefits. The decision to 16839
limit, suspend, or alter any provision of a collective 16840
bargaining agreement under this division is not subject to 16841
bargaining under Chapter 4117. of the Revised Code; however, the 16842
chief executive officer shall have the discretion to engage in 16843
effects bargaining on the way any such decision may affect 16844
wages, hours, or terms and conditions of employment. The chief 16845
executive officer may limit, suspend, or alter a provision of a 16846
collective bargaining agreement under division (I) (2) of this 16847
section as necessary to reconstitute a school under division (H) 16848
(1) of this section. 16849

(J) If the report card for the district has been issued 16850
under section 3302.03 of the Revised Code for the third school 16851
year that the district is subject to this section and the 16852
district does not meet the qualification in division (N) (1) of 16853
this section, the following shall apply: 16854

(1) The chief executive officer may exercise any of the 16855
powers authorized under division (H) or (I) of this section. 16856

(2) The chief executive officer may continue in effect 16857
limitation, suspension, or alteration of a provision of a 16858
collective bargaining agreement issued under division (I) (2) of 16859
this section. Any such continuation shall be subject to the 16860
requirements and restrictions of that division. 16861

(K) If the report card for the district has been issued 16862
under section 3302.03 of the Revised Code for the fourth school 16863
year that the district is subject to this section and the 16864
district does not meet the qualification in division (N) (1) of 16865
this section, the following shall apply: 16866

(1) The chief executive officer may exercise any of the 16867
powers authorized under division (H), (I), or (J) of this 16868
section. 16869

(2) A new board of education shall be appointed for the 16870
district in accordance with section 3302.11 of the Revised Code. 16871
However, the chief executive officer shall retain complete 16872
operational, managerial, and instructional control of the 16873
district until the chief executive officer relinquishes that 16874
control to the district board under division (N) (1) of this 16875
section. 16876

(L) If the report card for the district has been issued 16877
under section 3302.03 of the Revised Code for the fifth school 16878
year, or any subsequent school year, that the district is 16879
subject to this section and the district does not meet the 16880
qualification in division (N) (1) of this section, the chief 16881
executive officer may exercise any of the powers authorized 16882
under division (H), (I), (J), or (K) (1) of this section. 16883

(M) If division (I), (J), (K), or (L) of this section 16884
applies to a district, community schools, STEM schools, 16885
chartered nonpublic schools, and other school districts that 16886
enroll students residing in the district and meet academic 16887
accountability standards shall be eligible to be paid an 16888
academic performance bonus in each fiscal year for which the 16889
general assembly appropriates funds for that purpose. The 16890
academic performance bonus is intended to give students residing 16891

in the district access to a high-quality education by 16892
encouraging high-quality schools to enroll those students. 16893

(N) (1) When a district subject to this section receives 16894
either an overall grade of "C" or higher under division (C) (3) 16895
of section 3302.03 of the Revised Code or an overall performance 16896
rating of three stars or higher under division (D) (3) of section 16897
3302.03 of the Revised Code, the district shall begin its 16898
transition out of being subject to this section. Except as 16899
provided in division (N) (2) of this section, the transition 16900
period shall last until the district has received either an 16901
overall grade higher than "F" under division (C) (3) of section 16902
3302.03 of the Revised Code or an overall performance rating of 16903
two stars or higher under division (D) (3) of section 3302.03 of 16904
the Revised Code for two consecutive school years after the 16905
transition period begins. The overall grade of "C" or higher or 16906
overall performance rating of three stars or higher that qualify 16907
the district to begin the transition period shall not count as 16908
one of the two consecutive school years. During the transition 16909
period, the conditions described in divisions (F) to (L) of this 16910
section for the school year prior to the school year in which 16911
the transition period begins shall continue to apply and the 16912
chief executive officer shall work closely with the district 16913
board and district superintendent to increase their ability to 16914
resume control of the district and sustain the district's 16915
academic improvement over time. Upon completion of the 16916
transition period, the chief executive officer shall relinquish 16917
all operational, managerial, and instructional control of the 16918
district to the district board and district superintendent and 16919
the academic distress commission shall cease to exist. 16920

(2) If the district receives either an overall grade of 16921
"F" under division (C) (3) of section 3302.03 of the Revised Code 16922

or an overall performance rating of less than two stars under 16923
division (D) (3) of section 3302.03 of the Revised Code at any 16924
time during the transition period, the transition period shall 16925
end and the district shall be fully subject to this section 16926
again. The district shall resume being fully subject to this 16927
section at the point it began its transition out of being 16928
subject to this section and the division in divisions (H) to (L) 16929
of this section that would have applied to the district had the 16930
district not qualified to begin its transition under division 16931
(N) (1) of this section shall apply to the district. 16932

(O) If at any time there are no longer any schools 16933
operated by the district due to reconstitution or other closure 16934
of the district's schools under this section, the academic 16935
distress commission shall cease to exist and the chief executive 16936
officer shall cease to exercise any powers with respect to the 16937
district. 16938

(P) Beginning on October 15, 2015, each collective 16939
bargaining agreement entered into by a school district board of 16940
education under Chapter 4117. of the Revised Code shall 16941
incorporate the provisions of this section. 16942

(Q) The chief executive officer, the members of the 16943
academic distress commission, the ~~state superintendent~~director 16944
of education and workforce, and any person authorized to act on 16945
behalf of or assist them shall not be personally liable or 16946
subject to any suit, judgment, or claim for damages resulting 16947
from the exercise of or failure to exercise the powers, duties, 16948
and functions granted to them in regard to their functioning 16949
under this section, but the chief executive officer, commission, 16950
~~state superintendent~~director, and such other persons shall be 16951
subject to mandamus proceedings to compel performance of their 16952

duties under this section. 16953

(R) The ~~state superintendent~~ department of education and 16954
workforce shall not exempt any district from this section by 16955
approving an application for an innovative education pilot 16956
program submitted by the district under section 3302.07 of the 16957
Revised Code. 16958

Sec. 3302.103. (A) This section applies to any school 16959
district that meets one of the following conditions: 16960

(1) An academic distress commission was established for 16961
the district in 2013 ~~by the superintendent of public instruction~~ 16962
under former section 3302.10 of the Revised Code, as it existed 16963
prior to October 15, 2015, and a new academic distress 16964
commission was established for the district ~~by the state~~ 16965
~~superintendent~~ under division (A) (2) of section 3302.10 of the 16966
Revised Code. 16967

(2) An academic distress commission was established for 16968
the district in 2010 ~~by the state superintendent~~ under former 16969
section 3302.10 of the Revised Code, as it existed prior to 16970
October 15, 2015, and a new academic distress commission was 16971
established for the district under division (A) (2) of section 16972
3302.10 of the Revised Code. 16973

(3) An academic distress commission was established for 16974
the district ~~by the state superintendent~~ in 2018 under division 16975
(A) (1) of section 3302.10 of the Revised Code. 16976

(B) The auditor of state shall complete a performance 16977
audit of a school district to which this section applies one 16978
time during the three-year period of the plan implemented under 16979
division (D) (2) of this section and submit the results of the 16980
audit to the board of education of the school district and the 16981

academic distress commission established for the district. The 16982
performance audit shall be conducted in the same manner as 16983
prescribed by section 3316.042 of the Revised Code. 16984

(C) Notwithstanding anything to the contrary in the 16985
Revised Code, ~~not later than ninety days after the effective-~~ 16986
~~date of this section,~~ the district board of a school district to 16987
which this section applies, in consultation with the appropriate 16988
stakeholders, the academic distress commission, and the chief 16989
executive officer appointed by that commission under section 16990
3302.10 of the Revised Code, shall develop and submit an 16991
academic improvement plan for the district to the ~~state-~~ 16992
~~superintendent~~department of education and workforce. 16993

The plan developed under division (C) of this section 16994
shall operate for a period of three school years and shall 16995
include annual and overall academic improvement benchmarks for 16996
the district and strategies for achieving those benchmarks. 16997

(D) (1) The ~~state superintendent~~ department shall review 16998
the plan submitted under division (C) of this section. Not later 16999
than thirty days after receiving the plan for review, the ~~state-~~ 17000
~~superintendent~~ department shall approve the plan or suggest 17001
modifications to the plan. If the ~~state superintendent-~~ 17002
department suggests modifications, the district board shall 17003
revise the plan and resubmit it within fifteen days after 17004
receiving the suggested modifications. The ~~state superintendent-~~ 17005
department shall review and approve the plan within thirty days 17006
after receiving it. 17007

(2) Upon approval of the plan by the ~~state-~~ 17008
~~superintendent~~ department, the district board may begin to 17009
prepare to implement the plan, which shall be in effect from 17010
July 1, 2022, to June 30, 2025. The district's academic distress 17011

commission and chief executive officer shall work with the 17012
district in preparing to implement the plan. 17013

(3) If the district board determines it necessary, it may 17014
submit a request to the ~~state superintendent department~~ to 17015
modify the improvement plan during the period of time specified 17016
in division (D)(2) of this section. The improvement plan shall 17017
not be modified without the ~~state superintendent's department's~~ 17018
approval. 17019

(E) During the school years that the district is 17020
implementing the plan approved by the ~~state~~ 17021
~~superintendent department~~, the following apply: 17022

(1) The district shall not be subject to section 3302.10 17023
of the Revised Code. 17024

(2) The district board shall reassume all powers granted 17025
to it under the Revised Code. 17026

(3) The district's academic distress commission shall 17027
continue to exist and provide assistance to the district but 17028
shall not have any operational or managerial control of the 17029
district. 17030

(4) The chief executive officer appointed by the academic 17031
distress commission shall relinquish all operational, 17032
managerial, and instructional control of the district and be 17033
removed from that position. 17034

The district board may employ as district superintendent 17035
the individual who previously served as chief executive officer. 17036
If the district board enters into a contract for district 17037
superintendent with that individual while the district is 17038
implementing the improvement plan, the department ~~of education~~ 17039
shall continue compensating the individual under the terms of 17040

the individual's chief executive officer contract until the 17041
district meets either of the conditions prescribed in division 17042
(F) (1) (b) or (F) (2) of this section. In either event, the 17043
district board shall begin compensating the individual under the 17044
terms of the district board's employment contract with the 17045
individual for district superintendent. 17046

(5) The district board shall provide annual reports to the 17047
~~state board of education department~~ on the district's progress 17048
toward achieving the academic benchmarks established in the 17049
district's improvement plan. 17050

(F) At the end of three school years under the plan, the 17051
district shall be evaluated by the ~~state board department~~ based 17052
on the academic improvement benchmarks established in the plan. 17053

(1) (a) If the district improves but does not meet at least 17054
a majority of the academic improvement benchmarks established in 17055
the improvement plan, the district board may apply to the ~~state-~~ 17056
~~superintendent department~~ for an extension of one school year to 17057
continue implementing the plan, pending approval by the ~~state-~~ 17058
~~superintendent department~~. If the district does not meet at least 17059
a majority of the established benchmarks at the end of the 17060
extension, the district again may apply to the ~~state-~~ 17061
~~superintendent department~~ for an extension of one school year to 17062
continue implementing the plan. The district shall not apply for 17063
an extension more than twice. 17064

(b) If the district does not meet at least a majority of 17065
the academic improvement benchmarks at the end of five school 17066
years under the plan or if the ~~state superintendent department~~ 17067
does not approve a district's application for an extension 17068
submitted under division (F) (1) (a) of this section, the district 17069
shall be subject to section 3302.10 of the Revised Code. The 17070

academic distress commission shall appoint a new chief executive officer for the district as prescribed in division (C) of that section, and the chief executive officer shall reassume the powers that were being exercised under that section prior to July 1, 2022.

(2) If the district meets at least a majority of the academic improvement benchmarks established in its improvement plan at the end of the initial evaluation or, if applicable, after an extension granted by the ~~state superintendent~~ department under division (F) (1) (a) of this section, the academic distress commission shall be dissolved, and the district board shall continue exercising all powers granted to it under the Revised Code.

Sec. 3302.11. (A) This section applies to any school district that becomes subject to division (K) of section 3302.10 of the Revised Code, as it exists on and after ~~the effective date of this section~~ October 15, 2015.

(B) As used in this section, "mayor" means the mayor of the municipality in which a majority of the territory of a school district to which this section applies is located or, if no such municipality exist, the mayor of a municipality selected by the ~~superintendent of public instruction~~ director of education and workforce in which the district has territory.

(C) On the first day of January following the date on which this section first applies to a school district, the mayor shall appoint a new five-member board of education for the district from a slate of candidates nominated by the nominating panel established under division (D) (1) of this section.

(D) (1) Not later than thirty days after the date on which

this section first applies to a school district, the 17100
~~superintendent of public instruction~~ director shall convene a 17101
nominating panel to nominate candidates for appointment to the 17102
district board of education. The panel shall consist of the 17103
following members: 17104

(a) Two persons appointed by the mayor, one of whom shall 17105
be a representative of the business community or an institution 17106
of higher education located in the district; 17107

(b) One principal employed by the district, who shall be 17108
selected by a vote of the district's principals conducted by the 17109
~~state superintendent~~ director; 17110

(c) One teacher appointed by the bargaining representative 17111
for teachers employed by the district; 17112

(d) One parent of a student enrolled in the district 17113
appointed by the parent-teacher association, or a similar 17114
organization selected by the ~~state superintendent~~ director; 17115

(e) The chairperson of the academic distress commission 17116
established for the district under section 3302.10 of the 17117
Revised Code and the chief executive officer appointed under 17118
division (C)(1) of that section, until such time as the 17119
commission ceases to exist. 17120

(2) The ~~state superintendent~~ director shall be a nonvoting 17121
member of the panel and shall serve as chairperson of the panel 17122
for the first two years of the panel's existence. After that 17123
time, the panel shall select one of its members as chairperson. 17124
The panel shall meet as necessary to make nominations at the 17125
call of the chairperson. All members of the panel shall serve at 17126
the pleasure of their appointing authority. A vacancy on the 17127
panel shall be filled in the same manner as the initial 17128

appointment. 17129

(E) Not later than thirty days after the nominating panel 17130
is convened, the panel shall nominate a slate of at least ten 17131
candidates for possible appointment to the district board of 17132
education. All candidates shall be residents of the school 17133
district and shall hold no elected public office. At least two 17134
of the candidates shall reside outside of the municipal 17135
corporation served by the mayor, if that municipal corporation 17136
does not contain all of the district's territory. 17137

(F) Not later than thirty days after receiving the slate 17138
of candidates, the mayor shall select five members from the 17139
slate for appointment to the district board of education. 17140
Initial members of the board shall take office on the first day 17141
of January following their appointment and their terms shall 17142
expire on the thirtieth day of June following the referendum 17143
election required by division (G) (1) of this section. 17144

(G) (1) At the general election held in the first even- 17145
numbered year occurring at least three years after the date on 17146
which the academic distress commission established for the 17147
district ceases to exist pursuant to division (N) (1) of section 17148
3302.10 of the Revised Code, a referendum election shall be held 17149
to determine if the mayor shall continue to appoint the district 17150
board of education. Not later than ninety days before the 17151
general election, the board of education shall notify the board 17152
of elections of each county containing territory of the district 17153
of the referendum election. At the general election, the 17154
following question shall be submitted to the electors of the 17155
district: 17156

"Shall the mayor of... (here insert the name of the 17157
applicable municipal corporation) continue to appoint the 17158

members of the board of education of the... (here insert the 17159
name of the school district to which this section applies)?" 17160

The board of elections of the county in which the majority 17161
of the district's territory is located shall make all necessary 17162
arrangements for the submission of the question to the electors, 17163
and the election shall be conducted, canvassed, and certified in 17164
the same manner as regular elections in the district for the 17165
election of county officers, provided that in any such election 17166
in which only part of the electors of a precinct are qualified 17167
to vote, the board of elections may assign voters in such part 17168
to an adjoining precinct. Such an assignment may be made to an 17169
adjoining precinct in another county with the consent and 17170
approval of the board of elections of such other county. Notice 17171
of the election shall be published in a newspaper of general 17172
circulation in the district once a week for two consecutive 17173
weeks, or as provided in section 7.16 of the Revised Code, prior 17174
to the election. If the board of elections operates and 17175
maintains a web site, the board of elections shall post notice 17176
of the election on its web site for thirty days prior to the 17177
election. The notice shall state the question on which the 17178
election is being held. The ballot shall be in the form 17179
prescribed by the secretary of state. Costs of submitting the 17180
question to the electors shall be charged to the district in 17181
accordance with section 3501.17 of the Revised Code. 17182

(2) If a majority of the electors voting on the question 17183
proposed in division (G)(1) of this section approve the 17184
question, the mayor shall appoint a new board of education on 17185
the immediately following first day of July from a slate of 17186
candidates nominated by the nominating panel in the same manner 17187
as the initial board was appointed pursuant to divisions (E) and 17188
(F) of this section. Three of the members of the new board shall 17189

be appointed to four-year terms and two of the members shall be 17190
appointed to two-year terms, each term beginning on the first 17191
day of July. Thereafter, the mayor shall appoint members to 17192
four-year terms in the same manner prescribed in divisions (E) 17193
and (F) of this section. Whenever the nominating panel is 17194
required to nominate a slate of candidates, the panel shall 17195
nominate at least twice the number of candidates as members to 17196
be appointed to the board at that time, including two candidates 17197
who reside outside of the municipal corporation served by the 17198
mayor, if that municipal corporation does not contain all of the 17199
district's territory. Nothing in this division shall preclude 17200
the nominating panel from nominating as a candidate a person who 17201
was a member of the board prior to the referendum election or 17202
shall preclude the mayor from appointing such a person to the 17203
new board. 17204

(3) If a majority of the electors voting on the question 17205
proposed in division (G) (1) of this section disapprove the 17206
question, a new board of education shall be elected at the next 17207
regular election occurring in November of an odd-numbered year. 17208
The board shall have the same number of members as the board in 17209
place prior to the board appointed under this section. At such 17210
election, one-half of the total number of members rounded up to 17211
the next whole number shall be elected for terms of four years 17212
and the remaining members shall be elected for terms of two 17213
years. Thereafter, their successors shall be elected in the same 17214
manner and for the same terms as provided in the Revised Code 17215
for members of boards of education. All members of the board of 17216
education appointed under this section shall continue to serve 17217
after the end of the terms to which they were appointed until 17218
their successors are qualified and assume office in accordance 17219
with section 3313.09 of the Revised Code. 17220

(H) All of the following shall apply to a board of education appointed under division (F) or (G) (2) of this section: 17221
17222
17223

(1) At any given time, at least two of the board members shall have significant expertise in education, finance, or business management and at least one member shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory. 17224
17225
17226
17227
17228
17229

(2) The members of the board shall designate one of its members as the chairperson of the board. The chairperson shall have all the rights, authority, and duties conferred upon the president of a board of education by the Revised Code. 17230
17231
17232
17233

(3) The mayor may remove any member of the board with the advice and consent of the nominating panel. 17234
17235

Sec. 3302.12. (A) (1) Except as provided in divisions (C) and (D) of this section, this section applies to a school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of public school buildings statewide for three consecutive years and that meets any combination of the following for three consecutive years: 17236
17237
17238
17239
17240
17241
17242

(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; 17243
17244
17245

(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; 17246
17247
17248

(c) The school building has received an overall grade of 17249

"F" under section 3302.03 of the Revised Code;	17250
(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;	17251 17252 17253
(e) The school building has received an overall performance rating of less than two stars under section 3302.03 of the Revised Code.	17254 17255 17256
(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:	17257 17258 17259 17260 17261
(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;	17262 17263 17264 17265
(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	17266 17267 17268
(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.	17269 17270 17271 17272 17273 17274 17275 17276
(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.	17277 17278

(B) If an action taken by the board under division (A) (2) 17279
of this section causes the district to no longer maintain all 17280
grades kindergarten through twelve, as required by section 17281
3311.29 of the Revised Code, the board shall enter into a 17282
contract with another school district pursuant to section 17283
3327.04 of the Revised Code for enrollment of students in the 17284
schools of that other district to the extent necessary to comply 17285
with the requirement of section 3311.29 of the Revised Code. 17286
Notwithstanding any provision of the Revised Code to the 17287
contrary, if the board enters into and maintains a contract 17288
under section 3327.04 of the Revised Code, the district shall 17289
not be considered to have failed to comply with the requirement 17290
of section 3311.29 of the Revised Code. If, however, the 17291
district board fails to or is unable to enter into or maintain 17292
such a contract, the ~~state board~~ department of education and 17293
workforce shall take all necessary actions to dissolve the 17294
district as provided in division (A) of section 3311.29 of the 17295
Revised Code. 17296

(C) If a particular school is required to restructure 17297
under this section and a petition with respect to that same 17298
school has been filed and verified under divisions (B) and (C) 17299
of section 3302.042 of the Revised Code, the provisions of that 17300
section and the petition filed and verified under it shall 17301
prevail over the provisions of this section and the school shall 17302
be restructured under that section. However, if division (D) (1), 17303
(2), or (3) of section 3302.042 of the Revised Code also applies 17304
to the school, the school shall be subject to restructuring 17305
under this section and not section 3302.042 of the Revised Code. 17306

If the provisions of this section conflict in any way with 17307
the requirements of federal law, federal law shall prevail over 17308
the provisions of this section. 17309

(D) If a school is restructured under this section, 17310
section 3302.042 or 3302.10 of the Revised Code, or federal law, 17311
the school shall not be required to restructure again under 17312
state law for three consecutive years after the implementation 17313
of that prior restructuring. 17314

Sec. 3302.13. (A) This section applies to any school 17315
district or community school that meets both of the following 17316
criteria, as reported on the past two consecutive report cards 17317
issued for that district or school under section 3302.03 of the 17318
Revised Code: 17319

(1) The district or school received either of the 17320
following: 17321

(a) A grade of "D" or "F" on the kindergarten through 17322
third-grade literacy progress measure under division (C) (3) (e) 17323
of section 3302.03 of the Revised Code; 17324

(b) A performance rating of less than three stars for 17325
early literacy under division (D) (3) (e) of section 3302.03 of 17326
the Revised Code. 17327

(2) Fifty-one per cent or less of the district's students 17328
who took the third grade English language arts assessment 17329
prescribed under section 3301.0710 of the Revised Code for that 17330
school year attained at least a proficient score on that 17331
assessment. 17332

(B) By ~~December 31, 2016, and by the thirty-first day of~~ 17333
~~each December thereafter of each year,~~ any school district or 17334
community school that meets the criteria set forth in division 17335
(A) of this section shall submit to the department of education 17336
and workforce a school or district reading achievement 17337
improvement plan, which shall include all requirements 17338

prescribed by the ~~state board of education department~~ pursuant 17339
to division (C) of this section. 17340

(C) ~~Not later than December 31, 2014, the state board~~ The 17341
department shall adopt rules in accordance with Chapter 119. of 17342
the Revised Code prescribing the content of and deadlines for 17343
the reading achievement improvement plans required under 17344
division (B) of this section. The rules shall prescribe that 17345
each plan include, at a minimum, an analysis of relevant student 17346
performance data, measurable student performance goals, 17347
strategies to meet specific student needs, a staffing and 17348
professional development plan, and instructional strategies for 17349
improving literacy. 17350

(D) Any school district or community school to which this 17351
section applies shall no longer be required to submit an 17352
improvement plan pursuant to division (B) of this section when 17353
that district or school meets either of the following criteria, 17354
as reported on the most recent report card issued for that 17355
district or school under section 3302.03 of the Revised Code: 17356

(1) The district or school received either of the 17357
following: 17358

(a) A grade of "C" or higher on the kindergarten through 17359
third-grade literacy progress measure under division (C) (3) (e) 17360
of section 3302.03 of the Revised Code; 17361

(b) A performance rating of three stars or higher for 17362
early literacy under division (D) (3) (e) of section 3302.03 of 17363
the Revised Code. 17364

(2) Not less than fifty-one per cent of the district's 17365
students who took the third grade English language arts 17366
assessment prescribed under section 3301.0710 of the Revised 17367

Code for that school year attained at least a proficient score 17368
on that assessment. 17369

(E) The department ~~of education~~ shall post in a prominent 17370
location on its web site all plans submitted pursuant to this 17371
section. 17372

Sec. 3302.14. The department of education and workforce 17373
annually shall collect, analyze, and publish data regarding 17374
reading achievement in schools and progress in assisting all 17375
students to become proficient readers. Beginning on January 31, 17376
2015, and on the thirty-first day of each January thereafter, 17377
the department shall report these findings, in accordance with 17378
section 101.68 of the Revised Code, to the governor, and the 17379
general assembly, ~~and the state board of education~~. The report 17380
shall include, but not be limited to, both of the following: 17381

(A) The progress of all students that were on a reading 17382
intervention plan at any time during grades kindergarten through 17383
four while enrolled in the state's public school system. 17384

(B) The progress of school districts and community schools 17385
that are currently operating under a reading achievement 17386
improvement plan pursuant to section 3302.13 of the Revised 17387
Code, as data is made available. 17388

Sec. 3302.15. (A) Notwithstanding anything to the contrary 17389
in Chapter 3301. or 3302. of the Revised Code, the board of 17390
education of a school district, governing authority of a 17391
community school established under Chapter 3314. of the Revised 17392
Code, or governing body of a STEM school established under 17393
Chapter 3326. of the Revised Code may submit to the 17394
~~superintendent of public instruction~~ department of education and 17395
workforce, during the 2015-2016 school year, a request for a 17396

waiver for up to five school years from administering the state 17397
achievement assessments required under sections 3301.0710 and 17398
3301.0712 of the Revised Code and related requirements specified 17399
under division (B) (2) of this section. A district or school that 17400
obtains a waiver under this section shall use the alternative 17401
assessment system, as proposed by the district or school and as 17402
approved by the ~~state superintendent~~department, in place of the 17403
assessments required under sections 3301.0710 and 3301.0712 of 17404
the Revised Code. 17405

(B) (1) A request for a waiver under this section shall 17406
contain the following: 17407

(a) A timeline to develop and implement an alternative 17408
assessment system for the district or school; 17409

(b) An overview of the proposed innovative educational 17410
programs or strategies to be offered by the district or school; 17411

(c) An overview of the proposed alternative assessment 17412
system; 17413

(d) An overview of planning details that have been 17414
implemented or proposed and any documented support from 17415
educational networks, established educational consultants, state 17416
institutions of higher education as defined under section 17417
3345.011 of the Revised Code, and employers or workforce 17418
development partners; 17419

(e) An overview of the capacity to implement the 17420
alternative assessments, conduct the evaluation of teachers with 17421
alternative assessments, and the reporting of student 17422
achievement data with alternative assessments for the purpose of 17423
the report card ratings prescribed under section 3302.03 of the 17424
Revised Code, all of which shall include any prior success in 17425

implementing innovative educational programs or strategies, 17426
teaching practices, or assessment practices; 17427

(f) An acknowledgement by the district or school of 17428
federal funding that may be impacted by obtaining a waiver. 17429

(2) The request for a waiver shall indicate the extent to 17430
which exemptions from state or federal requirements regarding 17431
the administration of the assessments required under sections 17432
3301.0710 and 3301.0712 of the Revised Code are sought. Such 17433
items from which a district or school may be exempt are as 17434
follows: 17435

(a) The required administration of state assessments under 17436
sections 3301.0710 and 3301.0712 of the Revised Code; 17437

(b) The evaluation of teachers and administrators under 17438
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 17439
of the Revised Code; 17440

(c) The reporting of student achievement data for the 17441
purpose of the report card ratings prescribed under section 17442
3302.03 of the Revised Code. 17443

(C) Each request for a waiver shall include the signature 17444
of all of the following: 17445

(1) The superintendent of the school district or the 17446
equivalent for a community school or STEM school; 17447

(2) The president of the district board or the equivalent 17448
for a community school or STEM school; 17449

(3) The presiding officer of the labor organization 17450
representing the district's or school's teachers, if any; 17451

(4) If the district's or school's teachers are not 17452

represented by a labor organization, the principal and a 17453
majority of the administrators and teachers of the district or 17454
school. 17455

(D) Upon receipt of a request for a waiver, the ~~state~~ 17456
~~superintendent~~ department shall approve or deny the waiver or 17457
may request additional information from the district or school. 17458
The ~~state superintendent~~ department shall not grant waivers to 17459
more than a total of ten districts, community schools, or STEM 17460
schools, based on requests for a waiver received during the 17461
2015-2016 school year. A waiver granted to a district or school 17462
shall be contingent on an ongoing review and evaluation by the 17463
~~state superintendent~~ department of the program for which the 17464
waiver was granted. 17465

(E) (1) For the purpose of this section, the department ~~of~~ 17466
~~education~~ shall seek a waiver from the testing requirements 17467
prescribed under the "No Child Left Behind Act of 2001," if 17468
necessary to implement this section. 17469

(2) The department shall create a mechanism for the 17470
comparison of the alternative assessments prescribed under 17471
division (B) of this section and the assessments required under 17472
sections 3301.0710 and 3301.0712 of the Revised Code as it 17473
relates to the evaluation of teachers and student achievement 17474
data for the purpose of state report card ratings. 17475

(F) For purposes of this section, "innovative educational 17476
program or strategy" means a program or strategy using a new 17477
idea or method aimed at increasing student engagement and 17478
preparing students to be college or career ready. 17479

Sec. 3302.151. (A) Notwithstanding anything to the 17480
contrary in the Revised Code, a school district that qualifies 17481

under division (D) of this section shall be exempt from all of 17482
the following: 17483

(1) The teacher qualification requirements under the 17484
third-grade reading guarantee, as prescribed under divisions (B) 17485
(3) (c) and (H) of section 3313.608 of the Revised Code. This 17486
exemption does not relieve a teacher from holding a valid Ohio 17487
license in a subject area and grade level determined appropriate 17488
by the board of education of that district. 17489

(2) The mentoring component of the Ohio teacher residency 17490
program established under division (A) (1) of section 3319.223 of 17491
the Revised Code, so long as the district utilizes a local 17492
approach to train and support new teachers; 17493

(3) Any provision of the Revised Code or rule or standard 17494
of the ~~state board~~ department of education and workforce 17495
prescribing a minimum or maximum class size; 17496

(4) Any provision of the Revised Code or rule or standard 17497
of the ~~state board~~ department requiring teachers to be licensed 17498
specifically in the grade level in which they are teaching, 17499
except unless otherwise prescribed by federal law. This 17500
exemption does not apply to special education teachers. Nor does 17501
this exemption relieve a teacher from holding a valid Ohio 17502
license in the subject area in which that teacher is teaching 17503
and at least some grade level determined appropriate by the 17504
district board. 17505

(B) (1) Notwithstanding anything to the contrary in the 17506
Revised Code, including sections 3319.30 and 3319.36 of the 17507
Revised Code, the superintendent of a school district that 17508
qualifies under division (D) of this section may employ an 17509
individual who is not licensed as required by sections 3319.22 17510

to 3319.30 of the Revised Code, but who is otherwise qualified 17511
based on experience, to teach classes in the district, so long 17512
as the board of education of the school district approves the 17513
individual's employment and provides mentoring and professional 17514
development opportunities to that individual, as determined 17515
necessary by the board. 17516

(2) As a condition of employment under this section, an 17517
individual shall be subject to a criminal records check as 17518
prescribed by section 3319.391 of the Revised Code. In the 17519
manner prescribed by the ~~department~~state board of education, 17520
the individual shall submit the criminal records check to the 17521
~~department~~state board and shall register with the ~~department~~state board 17522
state board during the period in which the individual is 17523
employed by the district. The ~~department~~state board shall use 17524
the information submitted to enroll the individual in the 17525
retained applicant fingerprint database, established under 17526
section 109.5721 of the Revised Code, in the same manner as any 17527
teacher licensed under sections 3319.22 to 3319.31 of the 17528
Revised Code. 17529

(3) An individual employed pursuant to this division is 17530
subject to Chapter 3307. of the Revised Code. 17531

If the ~~department~~state board receives notification of the 17532
arrest or conviction of an individual employed under division 17533
(B) of this section, the ~~department~~state board shall promptly 17534
notify the employing district and may take any action authorized 17535
under sections 3319.31 and 3319.311 of the Revised Code that it 17536
considers appropriate. No district shall employ any individual 17537
under division (B) of this section if the district learns that 17538
the individual has plead guilty to, has been found guilty by a 17539
jury or court of, or has been convicted of any of the offenses 17540

listed in division (C) of section 3319.31 of the Revised Code. 17541

(C) Notwithstanding anything to the contrary in the 17542
Revised Code, noncompliance with any of the requirements listed 17543
in divisions (A) or (B) of this section shall not disqualify a 17544
school district that qualifies under division (D) of this 17545
section from receiving funds under Chapter 3317. of the Revised 17546
Code. 17547

(D) In order for a city, local, or exempted village school 17548
district to qualify for the exemptions described in this 17549
section, the school district shall meet all of the following 17550
benchmarks on the most recent report card issued for that 17551
district under section 3302.03 of the Revised Code: 17552

(1) The district received at least eighty-five per cent of 17553
the total possible points for the performance index score 17554
calculated under division (C) (1) (b) or (D) (1) (c) of that 17555
section; 17556

(2) The district received a grade of an "A" for 17557
performance indicators met under division (C) (1) (c) of that 17558
section. However, division (D) (2) of this section shall not 17559
apply for the 2021-2022 school year or any school year 17560
thereafter. 17561

(3) The district has a four-year adjusted cohort 17562
graduation rate of at least ninety-three per cent and a five- 17563
year adjusted cohort graduation rate of at least ninety-five per 17564
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 17565
(e) and (D) (1) (f) of that section. 17566

(E) A school district that meets the requirements 17567
prescribed by division (D) of this section shall be qualified 17568
for the exemptions prescribed by this section for three school 17569

years, beginning with the school year in which the qualifying report card is issued. 17570
17571

(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 17572
17573

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. 17574
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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. 17579
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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: 17583
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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 sites and using tools to ensure effective communication with individuals with disabilities; 17589
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(2) Schedule the meeting for an evening or weekend time; 17593

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school; 17594
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(4) Provide child care services for parents attending the 17597

meeting; 17598

(5) Provide parents, students, teachers, nonteaching 17599
employees, and community members with the opportunity to speak 17600
at the meeting; 17601

(6) Comply with section 149.43 of the Revised Code. 17602

In preparing for the public information hearing, the board 17603
or governing authority shall ensure that information about the 17604
hearing is broadly distributed throughout the community. 17605

The board or governing authority may enter into an 17606
agreement with any civic engagement organizations, community 17607
organizations, or employee organizations to support the 17608
implementation of the community learning center process. 17609

The board or governing authority shall conduct a follow-up 17610
hearing at least once annually until action is further taken 17611
under the section with respect to the school building or until 17612
the conditions described in division (A) of this section no 17613
longer apply to the school building. 17614

(C) Not sooner than forty-five days after the first public 17615
information hearing, the board or governing authority shall 17616
conduct an election, by paper ballot, to initiate the process to 17617
become a community learning center. Only parents or guardians of 17618
students enrolled in the school and students enrolled in a 17619
different school operated by a joint vocational school district 17620
but are otherwise entitled to attend the school, and teachers 17621
and nonteaching employees who are assigned to the school may 17622
vote in the election. 17623

The board or governing authority shall distribute the 17624
ballots by mail and shall make copies available at the school 17625
and on the web site of the school. The board or governing 17626

authority also may distribute the ballots by directly giving 17627
ballots to teachers and nonteaching employees and sending home 17628
ballots with every student enrolled in the school building. 17629

(D) The board or governing authority shall initiate the 17630
transition of the building to a community learning center if the 17631
results of the election held under division (C) of this section 17632
are as follows: 17633

(1) At least fifty per cent of parents and guardians of 17634
students enrolled in the eligible school building and students 17635
enrolled in a different building operated by a joint vocational 17636
school district but who are entitled to attend the school cast 17637
ballots by a date set by the board or governing authority, and 17638
of those ballots at least sixty-seven per cent are in favor of 17639
initiating the process; and 17640

(2) At least fifty per cent of teachers and nonteaching 17641
employees who are assigned to the school cast ballots by a date 17642
set by the board or governing authority, and of those ballots at 17643
least sixty-seven per cent are in favor of initiating the 17644
process. 17645

(E) If a community learning center process is initiated 17646
under this section, the board or governing authority shall 17647
create a school action team under section 3302.18 of the Revised 17648
Code. Within four months upon selection, the school action team 17649
shall conduct and complete, in consultation with community 17650
partners, a performance audit of the school and review, with 17651
parental input, the needs of the school with regard to 17652
restructuring under section 3302.10, 3302.12, or 3302.042 of the 17653
Revised Code, or federal law. 17654

The school action team shall provide quarterly updates of 17655

its work in a public hearing that complies with the same 17656
specifications prescribed in division (B) of this section. 17657

(F) Upon completion of the audit and review, the school 17658
action team shall present its findings at a public hearing that 17659
complies with the same specifications prescribed in division (B) 17660
of this section. After the school action team presents its 17661
findings at the public hearing, it shall create a community 17662
learning center improvement plan that designates appropriate 17663
interventions, which may be based on the recommendations 17664
developed by the department under division (H) (1) (b) of this 17665
section. 17666

If there is a federally mandated school improvement 17667
planning process, the team shall coordinate its work with that 17668
plan. 17669

The school action team shall approve the plan by a 17670
majority vote. 17671

(G) Upon approval of the plan by the school action team, 17672
the team shall submit the community learning center improvement 17673
plan to the same individuals described in division (C) of this 17674
section. Ballots shall be distributed and an election shall be 17675
conducted in the same manner as indicated under that division. 17676

The school action team shall submit the plan to the 17677
district board of education or community school governing 17678
authority, if the results of the election under division (G) of 17679
this section are as follows: 17680

(1) At least thirty per cent of parents and guardians of 17681
students enrolled in the eligible school building and students 17682
enrolled in a different building operated by a joint vocational 17683
school district but who are entitled to attend the school cast 17684

ballots by a date set by the board or governing authority, and 17685
of those ballots at least fifty per cent are in favor of 17686
initiating the process; and 17687

(2) At least thirty per cent of teachers and nonteaching 17688
employees who are assigned to the school cast ballots by a date 17689
set by the board or governing authority, and of those ballots at 17690
least fifty per cent are in favor of initiating the process. 17691

The board or governing authority shall evaluate the plan 17692
and determine whether to adopt it. The board or governing 17693
authority shall adopt the plan in full or adopt portions of the 17694
plan. If the board or governing authority does not adopt the 17695
plan in full, it shall provide a written explanation of why 17696
portions of the plan were rejected. 17697

(H) (1) The department shall do all of the following with 17698
respect to this section: 17699

(a) Adopt rules regarding the elections required under 17700
this section; 17701

(b) Develop appropriate interventions for a community 17702
learning center improvement plan that may be used by a school 17703
action team under division (F) of this section; 17704

(c) Publish a menu of programs and services that may be 17705
offered by community learning centers. The information shall be 17706
posted on the department's web site. To compile this information 17707
the department shall solicit input from resource coordinators of 17708
existing community learning centers. 17709

(d) Provide information regarding implementation of 17710
comprehensive community-based programs and supportive services 17711
including the community learning center model to school 17712
buildings meeting any of the following conditions: 17713

(i) The building is in improvement status as defined by 17714
the "No Child Left Behind Act of 2001" or under an agreement 17715
between the Ohio department of education and workforce and the 17716
United States secretary of education. 17717

(ii) The building is a secondary school that is among the 17718
lowest achieving fifteen per cent of secondary schools 17719
statewide, as determined by the department. 17720

(iii) The building is a secondary school with a graduation 17721
rate of sixty per cent or lower for three or more consecutive 17722
years. 17723

(iv) The building is a school that the department 17724
determines is persistently low-performing. 17725

(2) The department may do the following with respect to 17726
this section: 17727

(a) Provide assistance, facilitation, and training to 17728
school action teams in the conducting of the audit required 17729
under this section; 17730

(b) Provide opportunities for members of school action 17731
teams from different schools to share school improvement 17732
strategies with parents, teachers, and other relevant 17733
stakeholders in higher performing schools; 17734

(c) Provide financial support in a school action team's 17735
planning process and create a grant program to assist in the 17736
implementation of a qualified community learning center plan. 17737

(I) Notwithstanding any provision to the contrary in 17738
Chapter 4117. of the Revised Code, the requirements of this 17739
section prevail over any conflicting provisions of a collective 17740
bargaining agreement entered into on or after ~~the effective date~~ 17741

~~of this section~~ October 15, 2015. However, the board or 17742
governing authority and the teachers' labor organization may 17743
negotiate additional factors to be considered in the adoption of 17744
a community learning center plan. 17745

Sec. 3302.20. (A) The department of education and 17746
workforce shall develop standards for determining, from the 17747
existing data reported in accordance with sections 3301.0714 and 17748
3314.17 of the Revised Code, the amount of annual operating 17749
expenditures for classroom instructional purposes and for 17750
nonclassroom purposes for each city, exempted village, local, 17751
and joint vocational school district, each community school 17752
established under Chapter 3314. that is not an internet- or 17753
computer-based community school, each internet- or computer- 17754
based community school, and each STEM school established under 17755
Chapter 3326. of the Revised Code. ~~The department shall present~~ 17756
~~those standards to the state board of education for~~ 17757
~~consideration.~~ In developing the standards, the department shall 17758
adapt existing standards used by professional organizations, 17759
research organizations, and other state governments. The 17760
department also shall align the expenditure categories required 17761
for reporting under the standards with the categories that are 17762
required for reporting to the United States department of 17763
education under federal law. 17764

~~The state board shall consider the proposed standards and~~ 17765
~~adopt a final set of standards not later than December 31, 2012.~~ 17766
~~School districts, community schools, and STEM schools shall~~ 17767
~~begin reporting data in accordance with the standards on June~~ 17768
~~30, 2013.~~ 17769

(B) (1) The department shall categorize all city, exempted 17770
village, and local school districts into not less than three nor 17771

more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code. 17772
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(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number. 17775
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(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B) (1) and (2) of section 3314.08 of the Revised Code. 17780
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(4) The department shall categorize all internet- or computer-based community schools into a single category. 17789
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(5) The department shall categorize all STEM schools into a single category. 17791
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(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: 17793
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(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes; 17797
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17799

(2) The statewide average percentage for all districts, 17800

community schools, and STEM schools combined spent for classroom instructional purposes;	17801 17802
(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;	17803 17804 17805
(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:	17806 17807 17808
(a) From highest to lowest percentage spent for classroom instructional purposes;	17809 17810
(b) From lowest to highest percentage spent for noninstructional purposes.	17811 17812
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	17813 17814
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	17815 17816
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	17817 17818 17819
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	17820 17821 17822
(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;	17823 17824 17825
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest	17826 17827

performance index scores.	17828
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	17829 17830
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;	17831 17832 17833
(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.	17834 17835 17836
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	17837 17838 17839
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	17840 17841 17842
(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.	17843 17844 17845 17846
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	17847 17848 17849
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	17850 17851 17852
(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	17853 17854 17855

the Revised Code applies. 17856

(5) Within the category of STEM schools, the department 17857
shall denote each school that is: 17858

(a) Among the twenty per cent of all STEM schools 17859
statewide with the lowest total operating expenditure per 17860
equivalent pupils; 17861

(b) Among the twenty per cent of all STEM schools 17862
statewide with the highest performance index scores. 17863

For purposes of divisions (D) (3) (b) and (4) (b) of this 17864
section, the display shall note that, in accordance with section 17865
3314.017 of the Revised Code, a performance index score is not 17866
reported for some community schools that serve primarily 17867
students enrolled in dropout prevention and recovery programs. 17868

(E) The department shall post in a prominent location on 17869
its web site the information prescribed by divisions (C) and (D) 17870
of this section. The department also shall include on each 17871
district's, community school's, and STEM school's annual report 17872
card issued under section 3302.03 or 3314.017 of the Revised 17873
Code the respective information computed for the district or 17874
school under divisions (C) (1) and (4) of this section, the 17875
statewide information computed under division (C) (2) of this 17876
section, and the information computed for the district's or 17877
school's category under division (C) (3) of this section. 17878

(F) As used in this section: 17879

(1) "Internet- or computer-based community school" has the 17880
same meaning as in section 3314.02 of the Revised Code. 17881

(2) A school district's, community school's, or STEM 17882
school's performance index score rank is its performance index 17883

score rank as computed under section 3302.21 of the Revised Code. 17884
17885

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code. 17886
17887

Sec. 3302.21. (A) The department of education and workforce shall develop a system to rank order all city, 17888
exempted village, and local school districts, community schools 17889
established under Chapter 3314. of the Revised Code except those 17890
community schools to which section 3314.017 of the Revised Code 17891
applies, and STEM schools established under Chapter 3326. of the 17892
Revised Code according to the following measures: 17893
17894

(1) Performance index score for each school district, 17895
community school, and STEM school and for each separate building 17896
of a district, community school, or STEM school. For districts, 17897
schools, or buildings to which the performance index score does 17898
not apply, the ~~superintendent of public instruction department~~ 17899
may develop another measure of student academic performance 17900
based on similar data and performance measures if appropriate 17901
and use that measure to include those buildings in the ranking 17902
so that districts, schools, and buildings may be reliably 17903
compared to each other. 17904

(2) Student performance growth from year to year, using 17905
the value-added progress dimension, if applicable, and other 17906
measures of student performance growth designated by the 17907
~~superintendent of public instruction department~~ for subjects and 17908
grades not covered by the value-added progress dimension or the 17909
alternative student academic progress measure if adopted under 17910
division (C) (1) (e) of section 3302.03 of the Revised Code; 17911

(3) Current operating expenditure per equivalent pupils as 17912

defined in section 3302.26 of the Revised Code; 17913

(4) Of total current operating expenditures, percentage 17914
spent for classroom instruction as determined under standards 17915
adopted by the state board under section 3302.20 of the Revised 17916
Code; 17917

(5) Performance of, and opportunities provided to, 17918
students identified as gifted using value-added progress 17919
dimensions, if applicable, and other relevant measures as 17920
designated by the ~~superintendent of public~~ 17921
instruction department. 17922

The department shall rank each district, each community 17923
school except a community school to which section 3314.017 of 17924
the Revised Code applies, and each STEM school annually in 17925
accordance with the system developed under this section. 17926

(B) In addition to the reports required by sections 17927
3302.03 and 3302.031 of the Revised Code, not later than the 17928
first day of September each year, the department shall issue a 17929
report for each city, exempted village, and local school 17930
district, each community school except a community school to 17931
which section 3314.017 of the Revised Code applies, and each 17932
STEM school indicating the district's or school's rank on each 17933
measure described in divisions (A)(1) to (4) of this section, 17934
including each separate building's rank among all public school 17935
buildings according to performance index score under division 17936
(A)(1) of this section. 17937

Sec. 3302.22. (A) The governor's effective and efficient 17938
schools recognition program is hereby created. Each year, the 17939
governor shall recognize, in a manner deemed appropriate by the 17940
governor, the top ten per cent of all public schools in this 17941

state, including city, exempted village, and local school 17942
districts, joint vocational school districts, community schools 17943
established under Chapter 3314., and STEM schools established 17944
under Chapter 3326. of the Revised Code. 17945

(B) The top ten per cent of schools shall be determined by 17946
the department of education and workforce according to standards 17947
established by the department, in consultation with the 17948
governor's office of 21st century education. The standards for 17949
recognition for each type of school may vary depending upon the 17950
unique characteristics of that type of school. The standards 17951
shall include, but need not be limited to, both of the 17952
following, provided that sufficient data is available for each 17953
school: 17954

(1) Student performance, as determined by factors that may 17955
include, but not be limited to, performance indicators under 17956
section 3302.02 of the Revised Code, report cards issued under 17957
section 3302.03 of the Revised Code, performance index score 17958
rankings under section 3302.21 of the Revised Code, and any 17959
other statewide or national assessment or student performance 17960
recognition program the department selects; 17961

(2) Fiscal performance, which may include cost-effective 17962
measures taken by the school. 17963

(C) If applicable, the standards under divisions (B) (1) 17964
and (2) of this section may be applied at the school building or 17965
district level, depending upon the quality and availability of 17966
data. 17967

Sec. 3302.25. (A) In accordance with standards prescribed 17968
by the ~~state board~~ department of education and workforce for 17969
categorization of school district expenditures adopted under 17970

division (A) of section 3302.20 of the Revised Code, the 17971
department ~~of education~~ annually shall determine all of the 17972
following for the previous fiscal year: 17973

(1) For each school district, the ratio of the district's 17974
operating expenditures for classroom instructional purposes 17975
compared to its operating expenditures for nonclassroom 17976
purposes; 17977

(2) For each school district, the per pupil amount of the 17978
district's expenditures for classroom instructional purposes; 17979

(3) For each school district, the per pupil amount of the 17980
district's operating expenditures for nonclassroom purposes; 17981

(4) For each school district, the percentage of the 17982
district's operating expenditures attributable to school 17983
district funds; 17984

(5) The statewide average among all school districts for 17985
each of the items described in divisions (A) (1) to (4) of this 17986
section. 17987

(B) The department annually shall submit a report to each 17988
school district indicating the district's information for each 17989
of the items described in divisions (A) (1) to (4) of this 17990
section and the statewide averages described in division (A) (5) 17991
of this section. 17992

(C) Each school district, upon receipt of the report 17993
prescribed by division (B) of this section, shall publish the 17994
information contained in that report in a prominent location on 17995
the district's web site and publish the report in another 17996
fashion so that it is available to all parents of students 17997
enrolled in the district and to taxpayers of the district. 17998

Sec. 3302.26. (A) As used in this section:	17999
(1) "Expenditure per equivalent pupils" is the total operating expenditures of a school district divided by the measure of equivalent pupils.	18000 18001 18002
(2) "Measure of equivalent pupils" is the total number of students in a school district adjusted for the relative differences in costs associated with the unique characteristics and needs of each category of pupil.	18003 18004 18005 18006
(B) The department of education <u>and workforce</u> shall create a performance management section on the department's public web site. The performance management section shall include information on academic and financial performance metrics for each school district to assist schools and districts in providing an effective and efficient delivery of educational services. The section shall be located in a prominent location on the department's public web site. The section shall include, but not be limited to, all of the following:	18007 18008 18009 18010 18011 18012 18013 18014 18015
(1) A graph that illustrates the relationship between a district's academic performance, as measured by the performance index score, and its expenditure per equivalent pupils as compared to similar districts;	18016 18017 18018 18019
(2) Each district's total operating expenditures per pupil;	18020 18021
(3) Statistics of academic and financial performance measures for each district to allow for a comparison and benchmarking between districts.	18022 18023 18024
(C) The department may contract with an independent organization to develop and host the performance management section of its web site.	18025 18026 18027

Sec. 3302.41. As used in this section, "blended learning" 18028
has the same meaning as in section 3301.079 of the Revised Code. 18029

(A) Any local, city, exempted village, or joint vocational 18030
school district, community school established under Chapter 18031
3314. of the Revised Code, STEM school established under Chapter 18032
3326. of the Revised Code, college-preparatory boarding school 18033
established under Chapter 3328. of the Revised Code, or 18034
chartered nonpublic school may operate all or part of a school 18035
using a blended learning model. If a school is operated using a 18036
blended learning model or is to cease operating using a blended 18037
learning model, the superintendent of the school or district or 18038
director of the school shall notify the department of education 18039
and workforce of that fact not later than the first day of July 18040
of the school year for which the change is effective. If any 18041
school district school, community school, or STEM school is 18042
already operated using a blended learning model on September 24, 18043
2012, the superintendent of the school or district may notify 18044
the department within ninety days after September 24, 2012, of 18045
that fact and request that the school be classified as a blended 18046
learning school. 18047

(B) The ~~state board of education~~ department shall revise 18048
any operating standards for school districts and chartered 18049
nonpublic schools adopted under section 3301.07 of the Revised 18050
Code to include standards for the operation of blended learning 18051
under this section. The blended learning operation standards 18052
shall provide for all of the following: 18053

(1) Student-to-teacher ratios whereby no school or 18054
classroom is required to have more than one teacher for every 18055
one hundred twenty-five students in blended learning classrooms; 18056

(2) The extent to which the school is or is not obligated 18057

to provide students with access to digital learning tools; 18058

(3) The ability of all students, at any grade level, to 18059
earn credits or advance grade levels upon demonstrating mastery 18060
of knowledge or skills through competency-based learning models. 18061
Credits or grade level advancement shall not be based on a 18062
minimum number of days or hours in a classroom. 18063

(4) Notwithstanding anything to the contrary in section 18064
3313.48 of the Revised Code, a requirement that the school have 18065
an annual instructional calendar of not less than nine hundred 18066
ten hours; 18067

(5) Adequate provisions for: the licensing of teachers, 18068
administrators, and other professional personnel and their 18069
assignment according to training and qualifications; efficient 18070
and effective instructional materials and equipment, including 18071
library facilities; the proper organization, administration, and 18072
supervision of each school, including regulations for preparing 18073
all necessary records and reports and the preparation of a 18074
statement of policies and objectives for each school; buildings, 18075
grounds, and health and sanitary facilities and services; 18076
admission of pupils, and such requirements for their promotion 18077
from grade to grade as will ensure that they are capable and 18078
prepared for the level of study to which they are certified; 18079
requirements for graduation; and such other factors as the board 18080
finds necessary. 18081

(C) An internet- or computer-based community school, as 18082
defined in section 3314.02 of the Revised Code, is not a blended 18083
learning school authorized under this section. Nor does this 18084
section affect any provisions for the operation of and payments 18085
to an internet- or computer-based community school prescribed in 18086
Chapter 3314. of the Revised Code. 18087

Sec. 3302.42. As used in this section, "online learning" 18088
has the same meaning as in section 3301.079 of the Revised Code. 18089

(A) Any local, city, exempted village, or joint vocational 18090
school district, with approval of the ~~superintendent of public~~ 18091
~~instruction~~department of education and workforce, may operate a 18092
school using an online learning model. If a school is operated 18093
using an online learning model or is to cease operating using an 18094
online learning model, the superintendent of the district shall 18095
notify the department ~~of education~~ of that fact not later than 18096
the first day of July of the school year for which the change is 18097
effective. If any school district school is currently operated 18098
using an online learning model ~~on the effective date of this~~ 18099
~~section~~ September 30, 2021, the superintendent of the district 18100
shall notify the department ~~within sixty days after the~~ 18101
~~effective date of this section by November 29, 2021~~, of that 18102
fact and request that the school be classified as an online 18103
learning school. 18104

(1) Districts shall assign all students engaged in online 18105
learning to a single school which the department shall designate 18106
as a district online school. 18107

(2) Districts shall provide all students engaged in online 18108
learning a computer, at no cost, for instructional use. 18109
Districts shall provide a filtering device or install filtering 18110
software that protects against internet access to materials that 18111
are obscene or harmful to juveniles on each computer provided to 18112
students for instructional use. 18113

(3) Districts shall provide all students engaged in online 18114
learning access to the internet, at no cost, for instructional 18115
use. 18116

(4) Districts that operate an online learning school shall 18117
provide a comprehensive orientation for students and their 18118
parents or guardians prior to enrollment or within thirty days 18119
for students enrolled as of ~~the effective date of this section~~ 18120
September 30, 2021. 18121

(5) Online learning schools operated by a district shall 18122
implement a learning management system that tracks the time 18123
students participate in online learning activities. All student 18124
learning activities completed while off-line shall be documented 18125
with all participation records checked and approved by the 18126
teacher of record. 18127

(B) The ~~state board of education department~~ shall revise 18128
any operating standards for school districts adopted under 18129
section 3301.07 of the Revised Code to include standards for the 18130
operation of online learning under this section. The online 18131
learning operation standards shall provide for all of the 18132
following: 18133

(1) Student-to-teacher ratios whereby no school or 18134
classroom is required to have more than one teacher for every 18135
one hundred twenty-five students in online learning classrooms; 18136

(2) The ability of all students, at any grade level, to 18137
earn credits or advance grade levels upon demonstrating mastery 18138
of knowledge or skills through competency-based learning models. 18139
Credits or grade level advancement shall not be based on a 18140
minimum number of days or hours in a classroom. 18141

(3) Notwithstanding anything to the contrary in section 18142
3313.48 of the Revised Code, a requirement that schools 18143
operating using an online learning model have an annual 18144
instructional calendar of not less than nine hundred ten hours. 18145

(a) For funding purposes, the department shall reduce the 18146
full-time equivalence proportionally for any student in an 18147
online learning school who participates in less than nine 18148
hundred ten hours per school year. The department shall reduce 18149
state funding for students assigned to an online learning school 18150
operated by a district commensurate with such adjustments to 18151
enrollment. 18152

(b) The department shall develop a review process and make 18153
all adjustments of state funding to districts to reflect any 18154
participation of students in online learning schools for less 18155
than the equivalent of a full school year. 18156

(4) Adequate provisions for: the licensing of teachers, 18157
administrators, and other professional personnel and their 18158
assignment according to training and qualifications; efficient 18159
and effective instructional materials and equipment, including 18160
library facilities; the proper organization, administration, and 18161
supervision of each school, including regulations for preparing 18162
all necessary records and reports and the preparation of a 18163
statement of policies and objectives for each school; buildings, 18164
grounds, and health and sanitary facilities and services; 18165
admission of pupils, and such requirements for their promotion 18166
from grade to grade as will ensure that they are capable and 18167
prepared for the level of study to which they are certified; 18168
requirements for graduation; and such other factors as the board 18169
finds necessary. 18170

(C) This section does not affect any provisions for the 18171
operation of and payments to an internet- or computer-based 18172
community school prescribed in Chapter 3314. of the Revised 18173
Code. 18174

Sec. 3303.02. (A) The act of congress entitled, "An act to 18175

provide for the promotion of vocational education; to provide 18176
for cooperation with the states in the promotion of such 18177
education in agriculture and the trades and industries; to 18178
provide for cooperation with the states in the preparation of 18179
teachers of vocational subjects; and to appropriate money and 18180
regulate its expenditure," is hereby accepted. The ~~state board-~~ 18181
department of education and workforce has authority to accept 18182
supplementary acts for vocational education which are enacted by 18183
congress after September 16, 1957. 18184

(B) The ~~state board of education~~ department shall be the 18185
sole state agency for administration of programs for which 18186
federal funds are received pursuant to acts accepted under this 18187
section. This division does not apply to programs for which 18188
federal funds are received pursuant to the "Job Training 18189
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 18190

(C) The ~~state board~~ department shall secure the written 18191
approval of the governor prior to submission of any state plan 18192
or application prepared by ~~the board or the department of~~ 18193
~~education~~ to obtain federal funds under any acts accepted under 18194
this section. 18195

Sec. 3303.04. The ~~state board~~ department of education and 18196
workforce may cooperate with the United States department of 18197
education in the administration of the act of congress referred 18198
to in section 3303.02 of the Revised Code and of any legislation 18199
pursuant thereto enacted by the state, and in the administration 18200
of the funds provided by the federal government and by the state 18201
under sections 3303.02 to 3303.06 of the Revised Code, for the 18202
improvement of agricultural, business, distributive, trade and 18203
industrial and home economics subjects, and vocational guidance. 18204
The ~~board~~ department of education and workforce may appoint such 18205

directors, supervisors, and other assistants as are necessary to 18206
carry out such sections, ~~such appointments to be made upon~~ 18207
~~nomination by the superintendent of public instruction.~~ The 18208
salaries and traveling expenses of such directors, supervisors, 18209
and assistants, and such other expenses as are necessary, shall 18210
be paid upon the approval of the ~~board~~ department of education 18211
and workforce. The ~~board~~ department of education and workforce 18212
may formulate plans for the promotion of vocational education in 18213
such subjects as an essential and integral part of the public 18214
school system of education; and provide for the preparation of 18215
teachers of such subjects, and expend federal and state funds 18216
appropriated under sections 3303.02 to 3303.06 of the Revised 18217
Code, for any purposes approved by the United States department 18218
of education. It may make studies and investigations relating to 18219
prevocational and vocational education in such subjects; promote 18220
and aid in the establishment by local communities of schools, 18221
departments, and classes, giving training in such subjects; 18222
cooperate with local communities in the maintenance of such 18223
schools, departments, and classes; establish standards for the 18224
teachers, supervisors, and directors of such subjects; and 18225
cooperate in the maintenance of schools, departments, or classes 18226
supported and controlled by the public for the preparation of 18227
teachers, supervisors, and directors of such subjects. 18228

Sec. 3303.05. Any school, department, or class giving 18229
instruction in agricultural, commercial, industrial, trade, and 18230
home economics subjects approved by the ~~state board~~ department 18231
of education and workforce and any school or college so 18232
approved, training teachers of such subjects, which receives the 18233
benefit of federal moneys is entitled also to receive for the 18234
salaries of teachers of said subjects an allotment of state 18235
money equal in amount to the amount of federal money which it 18236

receives for the same year. 18237

Sec. 3303.06. The treasurer of state is hereby designated 18238
as the custodian of all federal funds received for vocational 18239
education. All money so received or appropriated by the state 18240
for the purposes contemplated in the act of congress referred to 18241
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 18242
supplementary thereto, shall be disbursed upon the order of the 18243
~~state board department of education and workforce.~~ 18244

Sec. 3303.20. The ~~superintendent of public instruction~~ 18245
director of education and workforce shall appoint a supervisor 18246
of agricultural education within the department of education and 18247
workforce. The supervisor shall be responsible for administering 18248
and disseminating to school districts information about 18249
agricultural education. The supervisor also may serve as the 18250
chair of the board of trustees of the Ohio FFA association, and 18251
may assist with the association's programs and activities in a 18252
manner that enables the association to maintain its state 18253
charter and to meet applicable requirements of the United States 18254
department of education and the national FFA organization. This 18255
assistance may include the provision of department personnel, 18256
services, and facilities. 18257

The department shall maintain an appropriate number of 18258
full-time employees focusing on agricultural education. The 18259
department shall employ at least three program consultants who 18260
shall be available to provide assistance to school districts on 18261
a regional basis throughout the state. At least one consultant 18262
may coordinate local activities of the student organization 18263
known as the future farmers of America. Department employees may 18264
not receive compensation from the Ohio FFA association, but the 18265
department may be reimbursed by the association for reasonable 18266

expenses related to assistance provided under this section. 18267

Sec. 3304.12. (A) There is hereby created a state 18268
rehabilitation services council to be known as the opportunities 18269
for Ohioans with disabilities council. The opportunities for 18270
Ohioans with disabilities agency shall provide administrative 18271
support to the council. The council shall consist of the 18272
following members: 18273

(1) An individual who represents a parent training and 18274
information center established in accordance with the federal 18275
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 18276

(2) A full-time employee of a client assistance program 18277
described in 34 C.F.R. 370.1; 18278

(3) A vocational counselor who has knowledge of and 18279
experience with vocational rehabilitation services; 18280

(4) An individual who represents community rehabilitation 18281
program service providers; 18282

(5) Four individuals each representing business, industry, 18283
or labor interests; 18284

(6) An individual who represents an organization that 18285
advocates on behalf of individuals with physical, cognitive, 18286
sensory, or mental disabilities; 18287

(7) An individual who represents individuals with 18288
disabilities who are unable to represent or have difficulty 18289
representing themselves; 18290

(8) An individual who has applied for or received 18291
vocational rehabilitation services; 18292

(9) An individual who represents institutions of secondary 18293

or higher education; 18294

(10) An individual from the governor's executive workforce 18295
board established by section 6301.04 of the Revised Code; 18296

(11) An individual from the department of education and 18297
workforce with knowledge of and experience with the "Individuals 18298
with Disabilities Education Act"; 18299

(12) An individual who represents the Ohio statewide 18300
independent living council. 18301

A majority of the members of the council shall be 18302
individuals with disabilities who are not employed by the 18303
opportunities for Ohioans with disabilities agency. 18304

The executive director of the opportunities for Ohioans 18305
with disabilities agency shall serve as a nonvoting member of 18306
the council. If a member of the council is an employee of the 18307
opportunities for Ohioans with disabilities agency, then that 18308
member also shall serve as a nonvoting member of the council. 18309

(B) (1) All council members shall be appointed by the 18310
governor. The governor shall make initial appointments to the 18311
council not later than sixty days after ~~the effective date of~~ 18312
~~this section~~ June 1, 2018. Of the initial appointments, five 18313
shall be for terms of three years, five for terms of two years, 18314
and five for terms of one year. Thereafter, terms shall be three 18315
years. 18316

(2) When a term expires or a vacancy occurs before a term 18317
expires, a successor member shall be appointed. A member 18318
appointed to fill a vacancy occurring before the expiration of a 18319
term for which the member's predecessor was appointed shall hold 18320
office for the remainder of that term. 18321

(3) Except for the member described in division (A) (2) of this section and the executive director of the opportunities for Ohioans with disabilities agency, no person shall serve more than two consecutive terms on the council. Terms shall be considered consecutive unless they are separated by a period of three or more years. In determining a person's eligibility to serve on the council under this division, both of the following shall apply:

(a) Time spent on the council while serving the remainder of an unexpired term to which another person was first appointed shall not be considered, provided that a period of at least three years passed between the time, if any, in which the person previously served on the council and the time the person is appointed to fulfill the unexpired term.

(b) A person who is appointed to serve on the council at the beginning of a term and resigns before completing that term shall be considered to have served the full term.

(C) Each member of the council shall serve without compensation, except to the extent that serving on the council is considered part of the member's regular duties of employment. Each member shall be reimbursed for actual expenses incurred in the performance of the member's official duties, including expenses for travel and personal assistance services.

Sec. 3307.01. As used in this chapter:

(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 18351
is employed and paid. 18352

(B) (1) "Teacher" means all of the following: 18353

(a) Any person paid from public funds and employed in the 18354
public schools of the state under any type of contract described 18355
in section 3311.77 or 3319.08 of the Revised Code in a position 18356
for which the person is required to have a license or 18357
registration issued pursuant to sections 3319.22 to 3319.31 of 18358
the Revised Code; 18359

(b) Except as provided in division (B) (2) (b) or (c) of 18360
this section, any person employed as a teacher or faculty member 18361
in a community school or a science, technology, engineering, and 18362
mathematics school pursuant to Chapter 3314. or 3326. of the 18363
Revised Code; 18364

(c) Any person having a license or registration issued 18365
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 18366
employed in a public school in this state in an educational 18367
position, as determined by the ~~state board~~ department of 18368
education and workforce, under programs provided for by federal 18369
acts or regulations and financed in whole or in part from 18370
federal funds, but for which no licensure requirements for the 18371
position can be made under the provisions of such federal acts 18372
or regulations; 18373

(d) Any other teacher or faculty member employed in any 18374
school, college, university, institution, or other agency wholly 18375
controlled and managed, and supported in whole or in part, by 18376
the state or any political subdivision thereof, including 18377
Central state university, Cleveland state university, and the 18378
university of Toledo; 18379

(e) The educational employees of the department of 18380
education and workforce, as determined by the ~~state~~ 18381
~~superintendent of public instruction~~ director of education and 18382
workforce; 18383

(f) Any person having a registration issued pursuant to 18384
section 3301.28 of the Revised Code and employed as a tutor by 18385
the coordinating service center as defined in that section. 18386

In all cases of doubt, the state teachers retirement board 18387
shall determine whether any person is a teacher, and its 18388
decision shall be final. 18389

(2) "Teacher" does not include any of the following: 18390

(a) Any eligible employee of a public institution of 18391
higher education, as defined in section 3305.01 of the Revised 18392
Code, who elects to participate in an alternative retirement 18393
plan established under Chapter 3305. of the Revised Code; 18394

(b) Any person employed by a community school operator, as 18395
defined in section 3314.02 of the Revised Code, if on or before 18396
February 1, 2016, the school's operator was withholding and 18397
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 18398
and 3111(a) for persons employed in the school as teachers, 18399
unless the person had contributing service in a community school 18400
in the state within one year prior to the later of February 1, 18401
2016, or the date on which the operator for the first time 18402
withholds and pays employee and employer taxes pursuant to 26 18403
U.S.C. 3101(a) and 3111(a) for that person; 18404

(c) Any person who would otherwise be a teacher under 18405
division (B) (2) (b) of this section who terminates employment 18406
with a community school operator and has no contributing service 18407
in a community school in the state for a period of at least one 18408

year from the date of termination of employment. 18409

(C) "Member" means any person included in the membership 18410
of the state teachers retirement system, which shall consist of 18411
all teachers and contributors as defined in divisions (B) and 18412
(D) of this section and all disability benefit recipients, as 18413
defined in section 3307.50 of the Revised Code. However, for 18414
purposes of this chapter, the following persons shall not be 18415
considered members: 18416

(1) A student, intern, or resident who is not a member 18417
while employed part-time by a school, college, or university at 18418
which the student, intern, or resident is regularly attending 18419
classes; 18420

(2) A person denied membership pursuant to section 3307.24 18421
of the Revised Code; 18422

(3) An other system retirant, as defined in section 18423
3307.35 of the Revised Code, or a superannuate; 18424

(4) An individual employed in a program established 18425
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 18426
(1982), 29 U.S.C.A. 1501; 18427

(5) The surviving spouse of a member or retirant if the 18428
surviving spouse's only connection to the retirement system is 18429
an account in an STRS defined contribution plan. 18430

(D) "Contributor" means any person who has an account in 18431
the teachers' savings fund or defined contribution fund, except 18432
that "contributor" does not mean a member or retirant's 18433
surviving spouse with an account in an STRS defined contribution 18434
plan. 18435

(E) "Beneficiary" means any person eligible to receive, or 18436

in receipt of, a retirement allowance or other benefit provided 18437
by this chapter. 18438

(F) "Year" means the year beginning the first day of July 18439
and ending with the thirtieth day of June next following, except 18440
that for the purpose of determining final average salary under 18441
the plan described in sections 3307.50 to 3307.79 of the Revised 18442
Code, "year" may mean the contract year. 18443

(G) "Local district pension system" means any school 18444
teachers pension fund created in any school district of the 18445
state in accordance with the laws of the state prior to 18446
September 1, 1920. 18447

(H) "Employer contribution" means the amount paid by an 18448
employer, as determined by the employer rate, including the 18449
normal and deficiency rates, contributions, and funds wherever 18450
used in this chapter. 18451

(I) "Five years of service credit" means employment 18452
covered under this chapter and employment covered under a former 18453
retirement plan operated, recognized, or endorsed by a college, 18454
institute, university, or political subdivision of this state 18455
prior to coverage under this chapter. 18456

(J) "Actuary" means an actuarial professional contracted 18457
with or employed by the state teachers retirement board, who 18458
shall be either of the following: 18459

(1) A member of the American academy of actuaries; 18460

(2) A firm, partnership, or corporation of which at least 18461
one person is a member of the American academy of actuaries. 18462

(K) "Fiduciary" means a person who does any of the 18463
following: 18464

(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;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(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.

(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:

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections

3307.26 and 3307.28 of the Revised Code, plus interest 18494
compounded annually at a rate determined by the board, for each 18495
year or portion of a year not subject to division (L) (1) (b) (i) 18496
of this section for which the board determines the teacher was 18497
improperly paid, regardless of the teacher's ability to recover 18498
on such amounts improperly paid. 18499

(c) If any portion of an amount paid by an employer as a 18500
retroactive payment of earnings, damages, or back pay is for an 18501
amount, benefit, or payment described in division (L) (2) of this 18502
section, that portion of the amount is not compensation under 18503
this section. 18504

(2) Compensation does not include any of the following: 18505

(a) Payments for accrued but unused sick leave or personal 18506
leave, including payments made under a plan established pursuant 18507
to section 124.39 of the Revised Code or any other plan 18508
established by the employer; 18509

(b) Payments made for accrued but unused vacation leave, 18510
including payments made pursuant to section 124.13 of the 18511
Revised Code or a plan established by the employer; 18512

(c) Payments made for vacation pay covering concurrent 18513
periods for which other salary, compensation, or benefits under 18514
this chapter or Chapter 145. or 3309. of the Revised Code are 18515
paid; 18516

(d) Amounts paid by the employer to provide life 18517
insurance, sickness, accident, endowment, health, medical, 18518
hospital, dental, or surgical coverage, or other insurance for 18519
the teacher or the teacher's family, or amounts paid by the 18520
employer to the teacher in lieu of providing the insurance; 18521

(e) Incidental benefits, including lodging, food, laundry, 18522

parking, or services furnished by the employer, use of the 18523
employer's property or equipment, and reimbursement for job- 18524
related expenses authorized by the employer, including moving 18525
and travel expenses and expenses related to professional 18526
development; 18527

(f) Payments made by the employer in exchange for a 18528
member's waiver of a right to receive any payment, amount, or 18529
benefit described in division (L) (2) of this section; 18530

(g) Payments by the employer for services not actually 18531
rendered; 18532

(h) Any amount paid by the employer as a retroactive 18533
increase in salary, wages, or other earnings, unless the 18534
increase is one of the following: 18535

(i) A retroactive increase paid to a member employed by a 18536
school district board of education in a position that requires a 18537
license designated for teaching and not designated for being an 18538
administrator issued under section 3319.22 of the Revised Code 18539
that is paid in accordance with uniform criteria applicable to 18540
all members employed by the board in positions requiring the 18541
licenses; 18542

(ii) A retroactive increase paid to a member employed by a 18543
school district board of education in a position that requires a 18544
license designated for being an administrator issued under 18545
section 3319.22 of the Revised Code that is paid in accordance 18546
with uniform criteria applicable to all members employed by the 18547
board in positions requiring the licenses; 18548

(iii) A retroactive increase paid to a member employed by 18549
a school district board of education as a superintendent that is 18550
also paid as described in division (L) (2) (h) (i) of this section; 18551

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d) (3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.

(3) The retirement board shall determine both of the following:

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;

(b) Whether any form of earnings not enumerated in this division is to be included in compensation.

Decisions of the board made under this division shall be 18581
final. 18582

(M) "Superannuate" means both of the following: 18583

(1) A former teacher receiving from the system a 18584
retirement allowance under section 3307.58 or 3307.59 of the 18585
Revised Code; 18586

(2) A former teacher receiving a benefit from the system 18587
under a plan established under section 3307.81 of the Revised 18588
Code, except that "superannuate" does not include a former 18589
teacher who is receiving a benefit based on disability under a 18590
plan established under section 3307.81 of the Revised Code. 18591

For purposes of sections 3307.35 and 3307.353 of the 18592
Revised Code, "superannuate" also means a former teacher 18593
receiving from the system a combined service retirement benefit 18594
paid in accordance with section 3307.57 of the Revised Code, 18595
regardless of which retirement system is paying the benefit. 18596

(N) "STRS defined benefit plan" means the plan described 18597
in sections 3307.50 to 3307.79 of the Revised Code. 18598

(O) "STRS defined contribution plan" means the plans 18599
established under section 3307.81 of the Revised Code and 18600
includes the STRS combined plan under that section. 18601

(P) "Faculty" means the teaching staff of a university, 18602
college, or school, including any academic administrators. 18603

Sec. 3307.05. The state teachers retirement board shall 18604
consist of the following members: 18605

(A) The superintendent of public instruction ~~director of~~ 18606
education and workforce or a designee of the ~~superintendent-~~ 18607
director who has the following qualifications: 18608

- (1) The designee is a resident of this state. 18609
- (2) Within the three years immediately preceding the 18610
appointment, the designee has not been employed by the public 18611
employees retirement system, police and fire pension fund, state 18612
teachers retirement system, school employees retirement system, 18613
or state highway patrol retirement system or by any person, 18614
partnership, or corporation that has provided to one of those 18615
retirement systems services of a financial or investment nature, 18616
including the management, analysis, supervision, or investment 18617
of assets. 18618
- (3) The designee has direct experience in the management, 18619
analysis, supervision, or investment of assets. 18620
- (B) One member, known as the treasurer of state's 18621
investment designee, who shall be appointed by the treasurer of 18622
state for a term of four years and have the following 18623
qualifications: 18624
- (1) The member is a resident of this state. 18625
- (2) Within the three years immediately preceding the 18626
appointment, the member has not been employed by the public 18627
employees retirement system, police and fire pension fund, state 18628
teachers retirement system, school employees retirement system, 18629
or state highway patrol retirement system or by any person, 18630
partnership, or corporation that has provided to one of those 18631
retirement systems services of a financial or investment nature, 18632
including management, analysis, supervision, or investment of 18633
assets. 18634
- (3) The member has direct experience in the management, 18635
analysis, supervision, or investment of assets. 18636
- (4) The member is not currently employed by the state or a 18637

political subdivision of the state. 18638

(C) Two members, known as the investment expert members, 18639
who shall be appointed for four-year terms. One investment 18640
expert member shall be appointed by the governor, and one 18641
investment expert member shall be jointly appointed by the 18642
speaker of the house of representatives and the president of the 18643
senate. Each investment expert member shall have the following 18644
qualifications: 18645

(1) Each member shall be a resident of this state. 18646

(2) Within the three years immediately preceding the 18647
appointment, each member shall not have been employed by the 18648
public employees retirement system, police and fire pension 18649
fund, state teachers retirement system, school employees 18650
retirement system, or state highway patrol retirement system or 18651
by any person, partnership, or corporation that has provided to 18652
one of those retirement systems services of a financial or 18653
investment nature, including the management, analysis, 18654
supervision, or investment of assets. 18655

(3) Each member shall have direct experience in the 18656
management, analysis, supervision, or investment of assets. 18657

Any investment expert member appointed to fill a vacancy 18658
occurring prior to the expiration of the term for which the 18659
member's predecessor was appointed shall hold office until the 18660
end of such term. The member shall continue in office subsequent 18661
to the expiration date of the member's term until the member's 18662
successor takes office, or until a period of sixty days has 18663
elapsed, whichever occurs first. 18664

(D) Five members, known as contributing members, who shall 18665
be members of the state teachers retirement system; 18666

(E) Two former members of the system, known as retired teacher members, who shall be superannuates who are not otherwise employed in positions requiring them to make contributions to the system.

Sec. 3307.31. (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under Chapter 3317. of the Revised Code prior to its distribution to the individual school districts or community schools. The amount due from each school district or community school shall be certified by the secretary of the system to the ~~superintendent of public instruction~~ department of education and workforce monthly, or at such times as may be determined by the state teachers retirement board.

The ~~superintendent~~ department shall deduct, from the amount allocated to each district or community school under Chapter 3317. of the Revised Code, the entire amounts due to the system from such district or school upon the certification to the ~~superintendent~~ department by the secretary thereof.

The ~~superintendent~~ department shall certify to the director of budget and management the amounts thus due the system for payment.

(B) Payments to the state teachers retirement system by a science, technology, engineering, and mathematics school shall be deducted from the amount allocated under section 3317.022 of the Revised Code and shall be made in the same manner as payments by boards of education under this section.

Sec. 3309.011. "Employee" as defined in division (B) of

section 3309.01 of the Revised Code, does not include any of the 18696
following: 18697

(A) Any person having a license or registration issued 18698
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 18699
employed in a public school in this state in an educational 18700
position, as determined by the ~~state board~~ department of 18701
education and workforce, under programs provided for by federal 18702
acts or regulations and financed in whole or in part from 18703
federal funds, but for which no licensure requirements for the 18704
position can be made under the provisions of such federal acts 18705
or regulations; 18706

(B) Any person who participates in an alternative 18707
retirement plan established under Chapter 3305. of the Revised 18708
Code; 18709

(C) Any person who elects to transfer from the school 18710
employees retirement system to the public employees retirement 18711
system under section 3309.312 of the Revised Code; 18712

(D) Any person whose full-time employment by the 18713
university of Akron as a state university law enforcement 18714
officer pursuant to section 3345.04 of the Revised Code 18715
commences on or after September 16, 1998; 18716

(E) Any person described in division (B) of section 18717
3309.013 of the Revised Code; 18718

(F) Any person described in division (D) of section 18719
145.011 of the Revised Code; 18720

(G) Any person described in division (B) (1) (b) of section 18721
3307.01 of the Revised Code. 18722

Sec. 3309.48. Any employee who left the service of an 18723

employer after attaining age sixty-five or over and such 18724
employer had failed or refused to deduct and transmit to the 18725
school employees retirement system the employee contributions as 18726
required by section 3309.47 of the Revised Code during any year 18727
for which membership was compulsory as determined by the school 18728
employees retirement board, shall be granted service credit 18729
without cost, which shall be considered as total service credit 18730
for the purposes of meeting the qualifications for service 18731
retirement provided by the law in effect on and retroactive to 18732
the first eligible retirement date following the date such 18733
employment terminated, but shall not be paid until formal 18734
application for such allowance on a form provided by the 18735
retirement board is received in the office of the retirement 18736
system. The total service credit granted under this section 18737
shall not exceed ten years for any such employee. 18738

The liability incurred by the retirement board because of 18739
the service credit granted under this section shall be 18740
determined by the retirement board, the cost of which shall be 18741
equal to an amount that is determined by applying the combined 18742
employee and employer rates of contribution against the 18743
compensation of such employee at the rates of contribution and 18744
maximum salary provisions in effect during such employment for 18745
each year for which credit is granted, together with interest at 18746
the rate to be credited accumulated contributions at retirement, 18747
compounded annually from the first day of the month payment was 18748
due the retirement system to and including the month of deposit, 18749
the total amount of which shall be collected from the employer. 18750
Such amounts shall be certified by the retirement board to the 18751
~~superintendent of public instruction, who~~ department of 18752
education and workforce, which shall deduct the amount due the 18753
system from any funds due the affected school district under 18754

Chapter 3317. of the Revised Code. The ~~superintendent~~ department 18755
shall certify to the director of budget and management the 18756
amount due the system for payment. The total amount paid shall 18757
be deposited into the employers' trust fund, and shall not be 18758
considered as accumulated contributions of the employee in the 18759
event of the employee's death or withdrawal of funds. 18760

Sec. 3309.491. (A) An actuary employed by the school 18761
employees retirement board shall annually determine the minimum 18762
annual compensation amount for each member that will be needed 18763
to fund the cost of providing future health care benefits under 18764
section 3309.69 of the Revised Code. The amount determined by 18765
the actuary under this division shall be approved by the board 18766
and shall be known as the "minimum compensation amount." 18767

(B) (1) The secretary of the school employees retirement 18768
board shall annually determine for each employer the "employer 18769
minimum compensation contribution." 18770

Subject to division (B) (2) of this section, the amount 18771
determined shall be the lesser of the following: 18772

(a) An amount equal to two per cent of the compensation of 18773
all members employed by the employer during the prior year; 18774

(b) The total of the amounts determined as follows for 18775
each member whose compensation for the prior year was less than 18776
the minimum compensation amount: 18777

(i) Subtract the member's compensation for the prior year 18778
from the minimum compensation amount; 18779

(ii) Multiply the remainder obtained under division (B) (1) 18780
(b) (i) of this section by one, or if the member earned less than 18781
a year's service credit for the prior year, by the same fraction 18782
as the fraction of a year's service credit credited to the 18783

member under section 3309.30 of the Revised Code; 18784

(iii) Multiply the product obtained under division (B) (1) 18785
(b) (ii) of this section by the employer contribution rate in 18786
effect for the year the service credit was earned. 18787

(2) If the total of the employer minimum contribution 18788
amounts determined under division (B) (1) of this section exceeds 18789
one and one-half per cent of the compensation of all members 18790
employed by employers required to pay the employer minimum 18791
compensation contribution, the school employees retirement board 18792
shall reduce the amount determined for each employer so that the 18793
total amount determined does not exceed one and one-half per 18794
cent of the compensation of all members employed by employers 18795
required to pay the employer minimum compensation contribution. 18796
Any reduction shall be applied to each employer in the same 18797
proportion as the employer's minimum compensation contribution 18798
bears to the total employer minimum compensation contribution. 18799

(C) The secretary shall annually certify to each employer 18800
the employer minimum compensation contribution determined under 18801
division (B) of this section. In addition to the employer 18802
contribution required by section 3309.49 of the Revised Code, 18803
each employer shall pay annually to the employers' trust fund 18804
the amount certified to the employer under this division. 18805

(D) Annually by the first day of August, the secretary 18806
shall submit to the ~~superintendent of public instruction~~ 18807
department of education and workforce a list of the payments 18808
made by each employer under this section during the preceding 18809
fiscal year. 18810

Sec. 3309.51. (A) Each employer shall pay into the 18811
employers' trust fund, monthly or at such times as the school 18812

employees retirement board requires, an amount certified by the 18813
school employees retirement board, which shall be as required by 18814
Chapter 3309. of the Revised Code. 18815

Payments by school district boards of education to the 18816
employers' trust fund of the school employees retirement system 18817
may be made from the amounts allocated under Chapter 3317. of 18818
the Revised Code prior to their distribution to the individual 18819
school districts. The amount due from each school district may 18820
be certified by the secretary of the system to the 18821
~~superintendent of public instruction~~ department of education and 18822
workforce monthly, or at such times as is determined by the 18823
school employees retirement board. 18824

Payments by governing authorities of community schools to 18825
the employers' trust fund of the school employees retirement 18826
system shall be made from the amounts allocated under section 18827
3317.022 of the Revised Code prior to their distribution to the 18828
individual community schools. The amount due from each community 18829
school shall be certified by the secretary of the system to the 18830
~~superintendent of public instruction~~ department monthly, or at 18831
such times as determined by the school employees retirement 18832
board. 18833

Payments by a science, technology, engineering, and 18834
mathematics school to the employers' trust fund of the school 18835
employees retirement system shall be made from the amounts 18836
allocated under section 3317.022 of the Revised Code prior to 18837
their distribution to the school. The amount due from a science, 18838
technology, engineering, and mathematics school shall be 18839
certified by the secretary of the school employees retirement 18840
system to the ~~superintendent of public instruction~~ department 18841
monthly, or at such times as determined by the school employees 18842

retirement board. 18843

(B) The ~~superintendent~~ department shall deduct from the 18844
amount allocated to each community school, to each school 18845
district, or to each science, technology, engineering, and 18846
mathematics school under Chapter 3317. of the Revised Code the 18847
entire amounts due to the school employees retirement system 18848
from such school or school district upon the certification to 18849
the ~~superintendent~~ department by the secretary thereof. 18850

(C) Where an employer fails or has failed or refuses to 18851
make payments to the employers' trust fund, as provided for 18852
under Chapter 3309. of the Revised Code, or fails to pay any 18853
penalty imposed under section 3309.571 of the Revised Code the 18854
secretary of the school employees retirement system may certify 18855
to the ~~state superintendent of public instruction~~ department, 18856
monthly or at such times as is determined by the school 18857
employees retirement board, the amount due from such employer, 18858
and the ~~superintendent~~ department shall deduct from the amount 18859
allocated to the employer under Chapter 3317. of the Revised 18860
Code, the entire amounts due to the system from the employer 18861
upon the certification to the ~~superintendent~~ department by the 18862
secretary of the school employees retirement system. 18863

(D) The ~~superintendent~~ department shall certify to the 18864
director of budget and management the amounts thus due the 18865
system for payment. 18866

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 18867
the Revised Code: 18868

(A) "Chartered nonpublic school" means a nonpublic school 18869
that holds a valid charter issued by the ~~state board~~ director of 18870
education and workforce under section 3301.16 of the Revised 18871

Code and meets the standards established for such schools in 18872
rules adopted by the ~~state board~~ director. 18873

(B) An "eligible student" is a student who satisfies the 18874
conditions specified in section 3310.03 or 3310.032 of the 18875
Revised Code. 18876

(C) "Parent" has the same meaning as in section 3313.98 of 18877
the Revised Code. 18878

(D) "Resident district" means the school district in which 18879
a student is entitled to attend school under section 3313.64 or 18880
3313.65 of the Revised Code. 18881

(E) "School year" has the same meaning as in section 18882
3313.62 of the Revised Code. 18883

Sec. 3310.02. The educational choice scholarship pilot 18884
program is hereby established. Under the program, the department 18885
of education and workforce annually shall pay scholarships to 18886
attend chartered nonpublic schools in accordance with section 18887
3317.022 of the Revised Code. 18888

Sec. 3310.03. For the 2021-2022 school year and each 18889
school year thereafter, subject to division (G) of this section, 18890
a student is an "eligible student" for purposes of the 18891
educational choice scholarship pilot program if the student's 18892
resident district is not a school district in which the pilot 18893
project scholarship program is operating under sections 3313.974 18894
to 3313.979 of the Revised Code, the student satisfies one of 18895
the conditions in division (A), (B), or (C) of this section, and 18896
the student maintains eligibility to receive a scholarship under 18897
division (D) of this section. 18898

However, any student who received a scholarship for the 18899
2020-2021 school year under this section, as it existed prior to 18900

March 2, 2021, shall continue to receive that scholarship until 18901
the student completes grade twelve, as long as the student 18902
maintains eligibility to receive a scholarship under division 18903
(D) of this section. 18904

(A) (1) A student is eligible for a scholarship if the 18905
student is enrolled in a school building operated by the 18906
student's resident district and to which both of the following 18907
apply: 18908

(a) The building was ranked in the lowest twenty per cent 18909
of all buildings operated by city, local, and exempted village 18910
school districts according to performance index score as 18911
determined by the department of education and workforce, as 18912
follows: 18913

(i) For a scholarship sought for the 2021-2022 or 2022- 18914
2023 school year, the building was ranked in the lowest twenty 18915
per cent of buildings for each of the 2017-2018 and 2018-2019 18916
school years. 18917

(ii) For a scholarship sought for the 2023-2024 school 18918
year, the building was ranked in the lowest twenty per cent of 18919
buildings for each of the 2018-2019 and 2021-2022 school years. 18920

(iii) For a scholarship sought for the 2024-2025 school 18921
year, the building was ranked in the lowest twenty per cent of 18922
buildings for each of the 2021-2022 and 2022-2023 school years. 18923

(iv) For a scholarship sought for the 2025-2026 school 18924
year or any school year thereafter, the building was ranked in 18925
the lowest twenty per cent of buildings for at least two of the 18926
three most recent consecutive rankings issued prior to the first 18927
day of July of the school year for which a scholarship is 18928
sought. 18929

(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 this section.

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A) (1) of this section.

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's

resident district or in a community school established under 18960
Chapter 3314. of the Revised Code and otherwise would be 18961
assigned under section 3319.01 of the Revised Code to a school 18962
building described in division (A) (1) of this section in the 18963
school year for which the scholarship is sought. 18964

(5) A student is eligible for a scholarship if the student 18965
was enrolled in a public or nonpublic school or was homeschooled 18966
in the prior school year and completed any of grades eight 18967
through eleven in that school year and otherwise would be 18968
assigned under section 3319.01 of the Revised Code to a school 18969
building described in division (A) (1) of this section in the 18970
school year for which the scholarship is sought. 18971

(B) A student is eligible for a scholarship if the student 18972
is enrolled in a nonpublic school at the time the school is 18973
granted a charter by the ~~state board~~ director of education and 18974
workforce under section 3301.16 of the Revised Code and the 18975
student meets the standards of division (B) of section 3310.031 18976
of the Revised Code. 18977

(C) A student is eligible for a scholarship if the 18978
student's resident district is subject to section 3302.10 of the 18979
Revised Code and the student either: 18980

(1) Is enrolled in a school building operated by the 18981
resident district or in a community school established under 18982
Chapter 3314. of the Revised Code; 18983

(2) Will be both enrolling in any of grades kindergarten 18984
through twelve in this state for the first time and at least 18985
five years of age by the first day of January of the school year 18986
for which a scholarship is sought. 18987

(D) A student who receives a scholarship under the 18988

educational choice scholarship pilot program remains an eligible 18989
student and may continue to receive scholarships in subsequent 18990
school years until the student completes grade twelve, so long 18991
as all of the following apply: 18992

(1) The student's resident district remains the same, or 18993
the student transfers to a new resident district and otherwise 18994
would be assigned in the new resident district to a school 18995
building described in division (A) (1) or (C) of this section. 18996

(2) The student takes each assessment prescribed for the 18997
student's grade level under section 3301.0710, 3301.0712, or 18998
3313.619 of the Revised Code while enrolled in a chartered 18999
nonpublic school, unless one of the following applies to the 19000
student: 19001

(a) The student is excused from taking that assessment 19002
under federal law, the student's individualized education 19003
program, or division (C) (1) (c) (i) of section 3301.0711 of the 19004
Revised Code. 19005

(b) The student is enrolled in a chartered nonpublic 19006
school that meets the conditions specified in division (K) (2) or 19007
(L) (4) of section 3301.0711 of the Revised Code. 19008

(c) The student is enrolled in any of grades three to 19009
eight and takes an alternative standardized assessment under 19010
division (K) (1) of section 3301.0711 of the Revised Code. 19011

(d) The student is excused from taking the assessment 19012
prescribed under division (B) (1) of section 3301.0712 of the 19013
Revised Code pursuant to division (C) (1) (c) (ii) of section 19014
3301.0711 of the Revised Code. 19015

(3) In each school year that the student is enrolled in a 19016
chartered nonpublic school, the student is absent from school 19017

for not more than twenty days that the school is open for 19018
instruction, not including excused absences. 19019

(E) (1) The department shall cease awarding first-time 19020
scholarships pursuant to divisions (A) (1) to (5) of this section 19021
with respect to a school building that, in the most recent 19022
ratings of school buildings under section 3302.03 of the Revised 19023
Code prior to the first day of July of the school year, ceases 19024
to meet the criteria in division (A) (1) of this section. 19025

(2) The department shall cease awarding first-time 19026
scholarships pursuant to division (C) of this section with 19027
respect to a school district subject to section 3302.10 of the 19028
Revised Code when the academic distress commission established 19029
for the district ceases to exist. 19030

(3) However, students who have received scholarships in 19031
the prior school year remain eligible students pursuant to 19032
division (D) of this section. 19033

(F) The ~~state board of education~~ department shall adopt 19034
rules defining excused absences for purposes of division (D) (3) 19035
of this section. 19036

(G) Notwithstanding anything to the contrary in this 19037
section or section 3310.031 of the Revised Code, a student shall 19038
not be required to be enrolled or enrolling in a school building 19039
operated by the student's resident district or a community 19040
school in order to be eligible for a scholarship, as follows: 19041

(1) For a scholarship sought for the 2021-2022 school 19042
year, a student entering any of grades kindergarten through two; 19043

(2) For a scholarship sought for the 2022-2023 school 19044
year, a student entering any of grades kindergarten through 19045
four; 19046

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six;

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight;

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve.

Sec. 3310.031. (A) The ~~state board~~ department of education and workforce shall adopt rules under section 3310.17 of the Revised Code establishing procedures for granting educational choice scholarships to eligible students attending a nonpublic school at the time the ~~state board~~ director of education and workforce grants the school a charter under section 3301.16 of the Revised Code. The procedures shall include at least the following:

(1) Provisions for extending the application period for scholarships for the following school year, if necessary due to the timing of the award of the nonpublic school's charter, in order for students enrolled in the school at the time the charter is granted to apply for scholarships for the following school year;

(2) Provisions for notifying the resident districts of the nonpublic school's students that the nonpublic school has been granted a charter and that educational choice scholarships may be awarded to the school's students for the following school year.

(B) A student who is enrolled in a nonpublic school at the time the school's charter is granted is an eligible student if

~~either of the following applies:~~ 19076

~~(1) For a scholarship sought for the 2020-2021 school year, the student satisfies division (B) of this section as it existed prior to the effective date of this amendment and any related condition prescribed by section 3310.03 of the Revised Code, as it existed prior to the effective date of this amendment.~~ 19077
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~~(2) For a scholarship sought for the 2021-2022 school year or any school year thereafter, the student satisfies any of the following conditions:~~ 19083
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~~(a)-(1)~~ At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A) (1) of section 3310.03 of the Revised Code. 19086
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~~(b)-(2)~~ The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A) (1) of section 3310.03 of the Revised Code. 19095
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~~(c)-(3)~~ At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district and, during that school year, the building met the 19101
19102
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conditions described in division (A) (1) of section 3310.03 of 19105
the Revised Code. 19106

~~(d)~~ (4) At the end of the last school year before the 19107
student enrolled in the nonpublic school, the student was 19108
enrolled in a community school established under Chapter 3314. 19109
of the Revised Code but otherwise would have been assigned under 19110
section 3319.01 of the Revised Code to a school building that, 19111
during that school year, met the conditions described in 19112
division (A) (1) of section 3310.03 of the Revised Code. 19113

Sec. 3310.032. (A) A student is an "eligible student" for 19114
purposes of the expansion of the educational choice scholarship 19115
pilot program under this section if the student's resident 19116
district is not a school district in which the pilot project 19117
scholarship program is operating under sections 3313.974 to 19118
3313.979 of the Revised Code, the student is not eligible for an 19119
educational choice scholarship under section 3310.03 of the 19120
Revised Code, and either of the following apply: 19121

(1) The student's family income is at or below two hundred 19122
fifty per cent of the federal poverty guidelines, as defined in 19123
section 5101.46 of the Revised Code, when the student applies 19124
for a scholarship under this section. 19125

(2) The student's sibling, as defined in section 3310.033 19126
of the Revised Code, receives a scholarship under this section 19127
for at least one of the following: 19128

(a) For the school year immediately prior to the school 19129
year for which the student is seeking a scholarship; 19130

(b) For the school year for which the student is seeking a 19131
scholarship. 19132

(B) In each fiscal year for which the general assembly 19133

appropriates funds for purposes of this section, the department 19134
of education and workforce shall pay scholarships to attend 19135
chartered nonpublic schools in accordance with section 3317.022 19136
of the Revised Code. The number of scholarships awarded under 19137
this section shall not exceed the number that can be funded for 19138
that school year as authorized by the general assembly. 19139

(C) Scholarships under this section shall be awarded as 19140
follows: 19141

(1) For the 2013-2014 school year, to eligible students 19142
who are entering kindergarten in that school year for the first 19143
time; 19144

(2) For each subsequent school year through the 2019-2020 19145
school year, scholarships shall be awarded to eligible students 19146
in the next grade level above the highest grade level awarded in 19147
the preceding school year, in addition to the grade levels for 19148
which students received scholarships in the preceding school 19149
year; 19150

(3) Beginning with the 2020-2021 school year, to eligible 19151
students who are entering any of grades kindergarten through 19152
twelve in that school year for the first time. 19153

(D) If the number of eligible students who apply for a 19154
scholarship under this section exceeds the scholarships 19155
available based on the appropriation for this section, the 19156
department shall award scholarships in the following order of 19157
priority: 19158

(1) First, to eligible students who received scholarships 19159
under this section in the prior school year; 19160

(2) Second, to eligible students with family incomes at or 19161
below one hundred per cent of the federal poverty guidelines. If 19162

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 current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school.

Sec. 3310.033. (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not

entitled to attend school under section 3313.64 or 3313.65 of 19192
the Revised Code in a school district in which the pilot project 19193
scholarship program is operating under sections 3313.974 to 19194
3313.979 of the Revised Code. 19195

(3) "Kinship caregiver" has the same meaning as in section 19196
5101.85 of the Revised Code. 19197

(4) "Sibling" means any of the following: 19198

(a) A brother, half-brother, sister, or half-sister by 19199
birth, marriage, or adoption; 19200

(b) A cousin by birth, marriage, or adoption who is 19201
residing in the same household; 19202

(c) A foster child who is residing in the same household, 19203
including a child who is subsequently adopted by the child's 19204
foster family; 19205

(d) A child residing in the same household who is placed 19206
with a guardian or legal custodian; 19207

(e) A child who is residing in the same household and is 19208
being cared for by a kinship caregiver; 19209

(f) Any other child under eighteen years of age who has 19210
resided in the same household for at least forty-five 19211
consecutive days within the last calendar year. 19212

(5) "Caretaker" means the parent of a minor child or a 19213
relative acting in the parent's place. "Caretaker" also means 19214
another responsible adult who has care of the child and in whose 19215
household the child resides and, if not for residing in that 19216
household, the child would be homeless or likely to be homeless. 19217

(B) Notwithstanding anything in the Revised Code to the 19218

contrary, a qualifying student shall be eligible for an 19219
educational choice scholarship under section 3310.03 of the 19220
Revised Code, regardless of whether the student is enrolled in a 19221
school building described in division (A)(1) or (C) of that 19222
section, if any of the following apply: 19223

(1) The student's sibling received an educational choice 19224
scholarship under section 3310.03 of the Revised Code for the 19225
school year immediately prior to the school year for which the 19226
student is seeking a scholarship; 19227

(2) The student is a foster child; 19228

(3) The student is a child placed with a guardian, legal 19229
custodian, or kinship caregiver; 19230

(4) The student is not a child placed with a guardian, 19231
legal custodian, or kinship caregiver, but has resided in the 19232
same household as such a child for at least forty-five 19233
consecutive days within the last calendar year; 19234

(5) The student is not a foster child, but resides in a 19235
home that has received certification under section 5103.03 of 19236
the Revised Code; 19237

(6) The student satisfies all of the following conditions: 19238

(a) The student is not a foster child or a student 19239
described in division (B)(4) of this section. 19240

(b) The student has resided in the household of an 19241
individual who is not the student's parent or guardian for at 19242
least forty-five consecutive days within the last calendar year 19243
and, if not for residing in that household, the student would 19244
have been homeless. 19245

(c) The student's parent or guardian resides in this 19246

state. 19247

(7) The student is not a child described in division (B) 19248
(6) of this section, but has resided in the same household as a 19249
child described in that division for at least forty-five 19250
consecutive days within the last calendar year. 19251

(C) A student who receives an educational choice 19252
scholarship under this section remains eligible for that 19253
scholarship and may continue to receive a scholarship in 19254
subsequent school years until the student completes grade 19255
twelve, so long as the student satisfies the conditions 19256
specified in divisions (D) (2) and (3) of section 3310.03 of the 19257
Revised Code. 19258

(D) The department of education and workforce may request 19259
any individual applying for a scholarship under this section on 19260
behalf of a qualifying student to provide appropriate 19261
documentation, as defined by the department, that the student 19262
meets the eligibility qualifications prescribed under this 19263
section. In the case of a student who qualifies under division 19264
(B) (6) of this section, such documentation shall be provided by 19265
the student's parent, guardian, or caretaker. 19266

Sec. 3310.036. If a student is eligible for an educational 19267
choice scholarship under section 3310.03 of the Revised Code for 19268
a school year as of the first day of February prior to that 19269
school year, that student's eligibility for a scholarship for 19270
that school year shall not change solely because, after the 19271
first day of February, the department of education and workforce 19272
changes the internal retrieval number of the school building in 19273
which the student is enrolled or would otherwise be assigned. 19274

Sec. 3310.07. (A) Any parent, or any student who is at 19275

least eighteen years of age, who is seeking a scholarship under 19276
the educational choice scholarship pilot program shall notify 19277
the department of education and workforce of the student's and 19278
parent's names and address, the chartered nonpublic school in 19279
which the student has been accepted for enrollment, and the 19280
tuition charged by the school. 19281

(B) Not later than February 1, 2022, the department shall 19282
establish a system under which any parent, or any student who is 19283
at least eighteen years of age, may provide the department with 19284
a student's address and, not later than ten days after receiving 19285
the address, the department shall notify the parent, or student, 19286
using regular mail or electronic mail whether the student is 19287
eligible for an educational choice scholarship under section 19288
3310.03 of the Revised Code. The student's resident district 19289
shall not be permitted to object to a student's eligibility for 19290
an educational choice scholarship under that section if the 19291
department's system determines the student is eligible. 19292

For the purposes of division (B) of this section, not 19293
later than the first day of January of each year, each school 19294
district that has a school building described in division (A) (1) 19295
or (C) of section 3310.03 of the Revised Code shall submit to 19296
the department, in the manner prescribed by the department, the 19297
attendance zone for students assigned to that building. 19298

Sec. 3310.11. (A) Only for the purpose of administering 19299
the educational choice scholarship pilot program, the department 19300
of education and workforce may request from any of the following 19301
entities the data verification code assigned under division (D) 19302
(2) of section 3301.0714 of the Revised Code to any student who 19303
is seeking a scholarship under the program: 19304

(1) The student's resident district; 19305

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) 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 shall assign a code to that student 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 student by the specified date, the department shall assign a code to that student.

The department annually shall submit to each school district the name and data verification code of each student 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.

(C) For the purpose of administering the applicable assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student.

(D) The department and each chartered nonpublic school that receives a data verification code under this section shall

not release that code to any person except as provided by law. 19335

Any document relative to this program that the department 19336
holds in its files that contains both a student's name or other 19337
personally identifiable information and the student's data 19338
verification code shall not be a public record under section 19339
149.43 of the Revised Code. 19340

Sec. 3310.13. (A) No chartered nonpublic school shall 19341
charge any student whose family income is at or below two 19342
hundred per cent of the federal poverty guidelines, as defined 19343
in section 5101.46 of the Revised Code, a tuition fee that is 19344
greater than the total amount paid for that student under 19345
section 3317.022 of the Revised Code. 19346

(B) A chartered nonpublic school may charge any other 19347
student who is paid a scholarship under that section up to the 19348
difference between the amount of the scholarship and the regular 19349
tuition charge of the school. Each chartered nonpublic school 19350
may permit such an eligible student's family to provide 19351
volunteer services in lieu of cash payment to pay all or part of 19352
the amount of the school's tuition not covered by the 19353
scholarship paid under section 3317.022 of the Revised Code. 19354

(C) Each chartered nonpublic school that charges a 19355
scholarship student an additional amount as authorized under 19356
division (B) of this section shall annually report to the 19357
department of education and workforce in the manner prescribed 19358
by the department the following: 19359

(1) The number of students charged; 19360

(2) The average of the amounts charged to such students. 19361

Sec. 3310.14. (A) Except as provided in division (B) of 19362
this section, each chartered nonpublic school that is not 19363

subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions specified in division (K) (2) of section 3301.0711 of the Revised Code shall not be required to administer the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Sec. 3310.15. (A) The department of education and workforce annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship pilot program and who were required to take an assessment under

section 3310.14 of the Revised Code;	19394
(2) By school district, which shall include all	19395
scholarship students who were required to take an assessment	19396
under section 3310.14 of the Revised Code and for whom the	19397
district is the student's resident district;	19398
(3) By chartered nonpublic school, which shall include all	19399
scholarship students enrolled in that school who were required	19400
to take an assessment under section 3310.14 of the Revised Code.	19401
(B) The department shall disaggregate the student	19402
performance data described in division (A) of this section	19403
according to the following categories:	19404
(1) Grade level;	19405
(2) Race and ethnicity;	19406
(3) Gender;	19407
(4) Students who have participated in the scholarship	19408
program for three or more years;	19409
(5) Students who have participated in the scholarship	19410
program for more than one year and less than three years;	19411
(6) Students who have participated in the scholarship	19412
program for one year or less;	19413
(7) Economically disadvantaged students.	19414
(C) The department shall post the student performance data	19415
required under divisions (A) and (B) of this section on its web	19416
site and, by the first day of February each year, shall	19417
distribute that data to the parent of each eligible student. In	19418
reporting student performance data under this division, the	19419
department shall not include any data that is statistically	19420

unreliable or that could result in the identification of 19421
individual students. For this purpose, the department shall not 19422
report performance data for any group that contains less than 19423
ten students. 19424

(D) The department shall provide the parent of each 19425
scholarship student with information comparing the student's 19426
performance on the assessments administered under section 19427
3310.14 of the Revised Code with the average performance of 19428
similar students enrolled in the building operated by the 19429
student's resident district that the scholarship student would 19430
otherwise attend. In calculating the performance of similar 19431
students, the department shall consider age, grade, race and 19432
ethnicity, gender, and socioeconomic status. 19433

Sec. 3310.16. (A) For the 2020-2021 school year and each 19434
school year thereafter, the department of education and 19435
workforce shall accept, process, and award scholarships each 19436
year for the educational choice scholarship pilot program under 19437
sections 3310.03 and 3310.032 of the Revised Code, as follows: 19438

(1) The application period shall open on the first day of 19439
February prior to the first day of July of the school year for 19440
which a scholarship is sought. Not later than forty-five days 19441
after an applicant submits to the department of education and 19442
workforce a completed application, the department ~~of education~~ 19443
shall determine whether that applicant is eligible for a 19444
scholarship and notify the applicant whether or not the 19445
applicant is eligible. The department ~~of education~~ shall award a 19446
scholarship to each student with an approved application. 19447
However, for any application submitted after the beginning of 19448
the school year, the department ~~of education~~ shall prorate the 19449
amount of the awarded scholarship based on how much of the 19450

school year remains. 19451

(2) In each school year, the department ~~of education~~ shall 19452
accept applications for conditional approval of a scholarship 19453
sought for that year or the next school year. Not later than 19454
five days after receiving an application under this division, 19455
the department ~~of education~~ shall grant conditional approval to 19456
an applicant who is eligible for a scholarship and notify the 19457
applicant whether or not conditional approval is granted. 19458

(B) If the department determines an application submitted 19459
under this section contains an error or deficiency, the 19460
department shall notify the applicant who submitted that 19461
application not later than fourteen days after the application 19462
is submitted. 19463

(C) The departments of education and workforce, job and 19464
family services, and taxation shall enter into a data sharing 19465
agreement so that, in administering this section, the department 19466
of education and workforce shall be able to determine, based on 19467
the address provided in a student's application, whether that 19468
student is eligible for an educational choice scholarship under 19469
section 3310.03 of the Revised Code and whether the student 19470
meets the residency requirements for an educational choice 19471
scholarship under section 3310.032 of the Revised Code. 19472

(D) No city, local, or exempted village school district 19473
shall have access to an application submitted under this 19474
section. 19475

Sec. 3310.17. (A) The ~~state board~~ department of education 19476
and workforce shall adopt rules in accordance with Chapter 119. 19477
of the Revised Code prescribing procedures for the 19478
administration of the educational choice scholarship pilot 19479

program. 19480

(B) ~~The state board and the department of education~~ shall 19481
not require chartered nonpublic schools to comply with any 19482
education laws or rules or other requirements that are not 19483
specified in sections 3310.01 to 3310.17 of the Revised Code or 19484
in rules necessary for the administration of the program, 19485
adopted under division (A) of this section, and that otherwise 19486
would not apply to a chartered nonpublic school. 19487

Sec. 3310.41. (A) As used in this section: 19488

(1) "Alternative public provider" means either of the 19489
following providers that agrees to enroll a child in the 19490
provider's special education program to implement the child's 19491
individualized education program and to which the child's parent 19492
owes fees for the services provided to the child: 19493

(a) A school district that is not the school district in 19494
which the child is entitled to attend school; 19495

(b) A public entity other than a school district. 19496

(2) "Entitled to attend school" means entitled to attend 19497
school in a school district under section 3313.64 or 3313.65 of 19498
the Revised Code. 19499

(3) "Formula ADM" has the same meaning as in section 19500
3317.02 of the Revised Code. 19501

(4) "Preschool child with a disability" and 19502
"individualized education program" have the same meanings as in 19503
section 3323.01 of the Revised Code. 19504

(5) "Parent" has the same meaning as in section 3313.64 of 19505
the Revised Code, except that "parent" does not mean a parent 19506
whose custodial rights have been terminated. "Parent" also 19507

includes the custodian of a qualified special education child, 19508
when a court has granted temporary, legal, or permanent custody 19509
of the child to an individual other than either of the natural 19510
or adoptive parents of the child or to a government agency. 19511

(6) "Qualified special education child" is a child for 19512
whom all of the following conditions apply: 19513

(a) The school district in which the child is entitled to 19514
attend school has identified the child as autistic. A child who 19515
has been identified as having a "pervasive developmental 19516
disorder - not otherwise specified (PPD-NOS)" shall be 19517
considered to be an autistic child for purposes of this section. 19518

(b) The school district in which the child is entitled to 19519
attend school has developed an individualized education program 19520
under Chapter 3323. of the Revised Code for the child. 19521

(c) The child either: 19522

(i) Was enrolled in the school district in which the child 19523
is entitled to attend school in any grade from preschool through 19524
twelve in the school year prior to the year in which a 19525
scholarship under this section is first sought for the child; or 19526

(ii) Is eligible to enter school in any grade preschool 19527
through twelve in the school district in which the child is 19528
entitled to attend school in the school year in which a 19529
scholarship under this section is first sought for the child. 19530

(7) "Registered private provider" means a nonpublic school 19531
or other nonpublic entity that has been approved by the 19532
department of education and workforce to participate in the 19533
program established under this section. 19534

(8) "Special education program" means a school or facility 19535

that provides special education and related services to children 19536
with disabilities. 19537

(B) There is hereby established the autism scholarship 19538
program. Under the program, the department ~~of education~~ shall 19539
pay a scholarship under section 3317.022 of the Revised Code to 19540
the parent of each qualified special education child upon 19541
application of that parent pursuant to procedures and deadlines 19542
established by rule of the ~~state board of education~~ department. 19543
Each scholarship shall be used only to pay tuition for the child 19544
on whose behalf the scholarship is awarded to attend a special 19545
education program that implements the child's individualized 19546
education program and that is operated by an alternative public 19547
provider or by a registered private provider, and to pay for 19548
other services agreed to by the provider and the parent of a 19549
qualified special education child that are not included in the 19550
individualized education program but are associated with 19551
educating the child. Upon agreement with the parent of a 19552
qualified special education child, the alternative public 19553
provider or the registered private provider may modify the 19554
services provided to the child. The purpose of the scholarship 19555
is to permit the parent of a qualified special education child 19556
the choice to send the child to a special education program, 19557
instead of the one operated by or for the school district in 19558
which the child is entitled to attend school, to receive the 19559
services prescribed in the child's individualized education 19560
program once the individualized education program is finalized 19561
and any other services agreed to by the provider and the parent 19562
of a qualified special education child. The services provided 19563
under the scholarship shall include an educational component or 19564
services designed to assist the child to benefit from the 19565
child's education. 19566

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

Except for development of the child's individualized education program, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, as defined in section 3323.01 of the Revised Code, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private

provider for which a scholarship is awarded under the autism 19598
scholarship program. If at any time, the eligible applicant for 19599
the child decides no longer to accept scholarship payments and 19600
enrolls the child in the special education program of the school 19601
district in which the child is entitled to attend school, that 19602
district shall provide the child with a free appropriate public 19603
education under Chapter 3323. of the Revised Code. 19604

A child attending a special education program with a 19605
scholarship under this section shall continue to be entitled to 19606
transportation to and from that program in the manner prescribed 19607
by law. 19608

(C) As prescribed in division (A) (2) (h) of section 3317.03 19609
of the Revised Code, a child who is not a preschool child with a 19610
disability for whom a scholarship is awarded under this section 19611
shall be counted in the formula ADM of the district in which the 19612
child is entitled to attend school and not in the formula ADM of 19613
any other school district. 19614

(D) A scholarship shall not be paid under section 3317.022 19615
of the Revised Code to a parent for payment of tuition owed to a 19616
nonpublic entity unless that entity is a registered private 19617
provider. The department shall approve entities that meet the 19618
standards established by rule of the ~~state board~~ department for 19619
the program established under this section. 19620

(E) The ~~state board~~ department shall adopt rules under 19621
Chapter 119. of the Revised Code prescribing procedures 19622
necessary to implement this section, including, but not limited 19623
to, procedures and deadlines for parents to apply for 19624
scholarships, standards for registered private providers, and 19625
procedures for approval of entities as registered private 19626
providers. 19627

The rules also shall specify that intervention services 19628
under the autism scholarship program may be provided by a 19629
qualified, credentialed provider, including, but not limited to, 19630
all of the following: 19631

(1) A behavior analyst certified by a nationally 19632
recognized organization that certifies behavior analysts; 19633

(2) A psychologist licensed to practice in this state 19634
under Chapter 4732. of the Revised Code; 19635

(3) A school psychologist licensed by the state board of 19636
education under section 3319.22 of the Revised Code; 19637

(4) Any person employed by a licensed psychologist or 19638
licensed school psychologist, while carrying out specific tasks, 19639
under the licensee's supervision, as an extension of the 19640
licensee's legal and ethical authority as specified under 19641
Chapter 4732. of the Revised Code who is ascribed as "psychology 19642
trainee," "psychology assistant," "psychology intern," a 19643
"registered behavior technician" as described under rule 5123-9- 19644
41 of the Administrative Code, a "certified Ohio behavior 19645
analyst" under Chapter 4783. of the Revised Code, or other 19646
appropriate term that clearly implies their supervised or 19647
training status; 19648

(5) Unlicensed persons holding a doctoral degree in 19649
psychology or special education from a program approved by the 19650
~~state board department~~; 19651

(6) Any other qualified individual as determined by the 19652
~~state board department~~. 19653

(F) The department shall provide reasonable notice to all 19654
parents of children receiving a scholarship under the autism 19655
scholarship program, alternative public providers, and 19656

registered private providers of any amendment to a rule 19657
governing, or change in the administration of, the autism 19658
scholarship program. 19659

Sec. 3310.411. Any registered private provider approved to 19660
participate in the autism scholarship program and any of its 19661
employees shall be subject to a criminal records check as 19662
specified in sections 109.57 and 109.572 of the Revised Code. 19663
The registered private provider shall submit the results of any 19664
records checks to the department of education and workforce. The 19665
department shall use the information submitted to enroll the 19666
individual for whom a records check is completed in the retained 19667
applicant fingerprint database, established under section 19668
109.5721 of the Revised Code, in the same manner as any teacher 19669
licensed under sections 3319.22 to 3319.31 of the Revised Code. 19670

Sec. 3310.42. (A) Only for the purpose of administering 19671
the autism scholarship program, the department of education and 19672
workforce may request from any of the following entities the 19673
data verification code assigned under division (D)(2) of section 19674
3301.0714 of the Revised Code to any child who is seeking a 19675
scholarship under the program: 19676

(1) The school district in which the child is entitled to 19677
attend school; 19678

(2) If applicable, the community school in which the child 19679
is enrolled; 19680

(3) The independent contractor engaged to create and 19681
maintain data verification codes. 19682

(B) Upon a request by the department under division (A) of 19683
this section for the data verification code of a child seeking a 19684
scholarship or a request by the child's parent for that code, 19685

the school district or community school shall submit that code 19686
to the department or parent in the manner specified by the 19687
department. If the child has not been assigned a code, because 19688
the child will be entering preschool or kindergarten during the 19689
school year for which the scholarship is sought, the district 19690
shall assign a code to that child and submit the code to the 19691
department or parent by a date specified by the department. If 19692
the district does not assign a code to the child by the 19693
specified date, the department shall assign a code to the child. 19694

The department annually shall submit to each school 19695
district the name and data verification code of each child 19696
residing in the district who is entering preschool or 19697
kindergarten, who has been awarded a scholarship under the 19698
program, and for whom the department has assigned a code under 19699
this division. 19700

(C) The department shall not release any data verification 19701
code that it receives under this section to any person except as 19702
provided by law. 19703

(D) Any document relative to the autism scholarship 19704
program that the department holds in its files that contains 19705
both a child's name or other personally identifiable information 19706
and the child's data verification code shall not be a public 19707
record under section 149.43 of the Revised Code. 19708

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 19709
the Revised Code: 19710

(A) "Alternative public provider" means either of the 19711
following providers that agrees to enroll a child in the 19712
provider's special education program to implement the child's 19713
individualized education program and to which the eligible 19714

applicant owes fees for the services provided to the child:	19715
(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;	19716 19717 19718
(2) A public entity other than a school district.	19719
(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	19720 19721 19722
(C) "Eligible applicant" means any of the following:	19723
(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 parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.	19724 19725 19726 19727 19728 19729 19730 19731 19732 19733 19734 19735 19736
(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;	19737 19738 19739 19740
(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;	19741 19742

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

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

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

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program

under Chapter 3323. of the Revised Code for the child. 19771

(4) The child either: 19772

(a) Was enrolled in the schools of the school district in 19773
which the child is entitled to attend school in any grade from 19774
kindergarten through twelve in the school year prior to the 19775
school year in which a scholarship is first sought for the 19776
child; 19777

(b) Is eligible to enter school in any grade kindergarten 19778
through twelve in the school district in which the child is 19779
entitled to attend school in the school year in which a 19780
scholarship is first sought for the child. 19781

(5) The department of education and workforce has not 19782
approved a scholarship for the child under the educational 19783
choice scholarship pilot program, under sections 3310.01 to 19784
3310.17 of the Revised Code, the autism scholarship program, 19785
under section 3310.41 of the Revised Code, or the pilot project 19786
scholarship program, under sections 3313.974 to 3313.979 of the 19787
Revised Code for the same school year in which a scholarship 19788
under the Jon Peterson special needs scholarship program is 19789
sought. 19790

(6) The child and the child's parents are in compliance 19791
with the state compulsory attendance law under Chapter 3321. of 19792
the Revised Code. 19793

(G) "Registered private provider" means a nonpublic school 19794
or other nonpublic entity that has been registered by the 19795
superintendent of public instruction under section 3310.58 of 19796
the Revised Code prior to the effective date of this amendment 19797
or the department of education and workforce on or after that 19798
date. 19799

(H) "Scholarship" means a scholarship awarded under the 19800
Jon Peterson special needs scholarship program pursuant to 19801
sections 3310.51 to 3310.64 of the Revised Code. 19802

(I) "School district of residence" has the same meaning as 19803
in section 3323.01 of the Revised Code. A community school 19804
established under Chapter 3314. of the Revised Code is not a 19805
"school district of residence" for purposes of sections 3310.51 19806
to 3310.64 of the Revised Code. 19807

(J) "School year" has the same meaning as in section 19808
3313.62 of the Revised Code. 19809

(K) "Special education program" means a school or facility 19810
that provides special education and related services to children 19811
with disabilities. 19812

Sec. 3310.52. (A) The Jon Peterson special needs 19813
scholarship program is hereby established. Under the program, 19814
beginning with the 2012-2013 school year, subject to division 19815
(B) of this section, the department of education and workforce 19816
annually shall pay a scholarship under section 3317.022 of the 19817
Revised Code to an eligible applicant for services provided by 19818
an alternative public provider or a registered private provider 19819
for a qualified special education child. The scholarship shall 19820
be used only to pay all or part of the fees for the child to 19821
attend the special education program operated by the alternative 19822
public provider or registered private provider to implement the 19823
child's individualized education program, in lieu of the child's 19824
attending the special education program operated by the school 19825
district in which the child is entitled to attend school, and 19826
other services agreed to by the provider and eligible applicant 19827
that are not included in the individualized education program 19828
but are associated with educating the child. Beginning in the 19829

2014-2015 school year, if the child is receiving special 19830
education services for a disability specified in division (A) of 19831
section 3317.013 of the Revised Code, the scholarship shall be 19832
used only to pay for related services that are included in the 19833
child's individualized education program. Upon agreement with 19834
the eligible applicant, the alternative public provider or 19835
registered private provider may modify the services provided to 19836
the child. 19837

(B) The number of scholarships awarded under the program 19838
in any fiscal year shall not exceed five per cent of the total 19839
number of students residing in the state identified as children 19840
with disabilities during the previous fiscal year. 19841

(C) The department shall pay a scholarship under section 19842
3317.022 of the Revised Code to the parent of each qualified 19843
special education child, unless the parent authorizes a direct 19844
payment to the child's provider, upon application of that parent 19845
in the manner prescribed by the department. However, the 19846
department shall not adopt specific dates for application 19847
deadlines for scholarships under the program. 19848

Sec. 3310.521. (A) As a condition of receiving payments 19849
for a scholarship, each eligible applicant shall attest to 19850
receipt of the profile prescribed by division (B) of this 19851
section. Such attestation shall be made and submitted to the 19852
department of education and workforce in the form and manner as 19853
required by the department. 19854

(B) The alternative public provider or registered private 19855
provider that enrolls a qualified special education child shall 19856
submit in writing to the eligible applicant to whom a 19857
scholarship is awarded on behalf of that child a profile of the 19858
provider's special education program, in a form as prescribed by 19859

the department, that shall contain the following: 19860

(1) Methods of instruction that will be utilized by the 19861
provider to provide services to the qualified special education 19862
child; 19863

(2) Qualifications of teachers, instructors, and other 19864
persons who will be engaged by the provider to provide services 19865
to the qualified special education child. 19866

Sec. 3310.522. (A) In order to maintain eligibility for a 19867
scholarship, a student shall take each assessment prescribed by 19868
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 19869
as applicable, in accordance with section 3301.0711 of the 19870
Revised Code, unless one of the following applies to the 19871
student: 19872

(1) The student is excused from taking that assessment 19873
under federal law, the student's individualized education 19874
program, or division (C) (1) (c) (i) of section 3301.0711 of the 19875
Revised Code. 19876

(2) The student is enrolled in a chartered nonpublic 19877
school that meets the conditions specified in division (K) (2) or 19878
(L) (4) of section 3301.0711 of the Revised Code. 19879

(3) The student is enrolled in any of grades three to 19880
eight and takes an alternative standardized assessment under 19881
division (K) (1) of section 3301.0711 of the Revised Code or 19882
division (B) (3) of this section. 19883

(4) The student is excused from taking the assessment 19884
prescribed under division (B) (1) of section 3301.0712 of the 19885
Revised Code pursuant to division (C) (1) (c) (ii) of section 19886
3301.0711 of the Revised Code. 19887

(B) Each registered private provider that is not subject 19888
to division (K) (1) of section 3301.0711 of the Revised Code and 19889
enrolls a student who is awarded a scholarship shall administer 19890
each assessment prescribed by section 3301.0710, 3301.0712, or 19891
3313.619 of the Revised Code, as applicable, to that student in 19892
accordance with section 3301.0711 of the Revised Code, unless 19893
one of the following applies to the student: 19894

(1) The student is excused from taking that assessment 19895
under division (A) (1) of this section. 19896

(2) The student is enrolled in a chartered nonpublic 19897
school that meets the conditions specified in division (K) (2) or 19898
(L) (4) of section 3301.0711 of the Revised Code. 19899

(3) The student is enrolled in any of grades three to 19900
eight and the registered private provider administers an 19901
alternative standardized assessment determined by the department 19902
of education and workforce under division (K) (1) of section 19903
3301.0711 of the Revised Code to the student. 19904

(4) The student is excused from taking the assessment 19905
prescribed under division (B) (1) of section 3301.0712 of the 19906
Revised Code pursuant to division (C) (1) (c) (ii) of section 19907
3301.0711 of the Revised Code. 19908

The registered private provider shall report to the 19909
department the results of each assessment so administered under 19910
division (B) of this section. 19911

(C) Nothing in this section requires any chartered 19912
nonpublic school that is a registered private provider to 19913
administer any achievement assessment, except for an Ohio 19914
graduation test prescribed by division (B) (1) of section 19915
3301.0710 or the college and work ready assessment system 19916

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.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the Jon Peterson special needs scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

(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 antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.

(B) If the school or entity is not chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code, the school or entity agrees to comply with sections 3319.39, 3319.391, and 3319.392 of the Revised Code as if it were a school district.

(C) The teaching and nonteaching professionals employed by

the school or entity, or employed by any subcontractors of the 19978
school or entity, hold credentials determined by the state board 19979
of education to be appropriate for the qualified special 19980
education children enrolled in the special education program it 19981
operates. 19982

(D) The school's or entity's educational program shall be 19983
approved by the department ~~of education~~. 19984

(E) The school or entity meets applicable health and 19985
safety standards established by law. 19986

(F) The school or entity agrees to retain on file 19987
documentation as required by the department ~~of education~~. 19988

(G) The school or entity agrees to provide a record of the 19989
implementation of the individualized education program for each 19990
qualified special education child enrolled in the school's or 19991
entity's special education program, including evaluation of the 19992
child's progress, to the school district in which the child is 19993
entitled to attend school, in the form and manner prescribed by 19994
the department. 19995

(H) The school or entity agrees that, if it declines to 19996
enroll a particular qualified special education child, it will 19997
notify in writing the eligible applicant of its reasons for 19998
declining to enroll the child. 19999

Sec. 3310.59. The ~~superintendent of public instruction~~ 20000
department of education and workforce shall revoke the 20001
registration of any school or entity if, after a hearing, the 20002
~~superintendent~~ department determines that the school or entity 20003
is in violation of any provision of section 3310.522 or 3310.58 20004
of the Revised Code. 20005

Sec. 3310.62. (A) A scholarship under the Jon Peterson 20006

special needs scholarship program shall not be awarded for the 20007
first time to an eligible applicant on behalf of a qualified 20008
special education child while the child's individualized 20009
education program is being developed by the school district in 20010
which the child is entitled to attend school, or by the child's 20011
school district of residence if different, or while any 20012
administrative or judicial mediation or proceedings with respect 20013
to the content of that individualized education program are 20014
pending. 20015

(B) Development of individualized education programs 20016
subsequent to the one developed for the child the first time a 20017
scholarship was awarded on behalf of the child and the 20018
prosecuting, by the eligible applicant on behalf of the child, 20019
of administrative or judicial mediation or proceedings with 20020
respect to any of those subsequent individualized education 20021
programs do not affect the applicant's and the child's continued 20022
eligibility for scholarship payments. 20023

(C) In the case of any child for whom a scholarship has 20024
been awarded, if the school district in which the child is 20025
entitled to attend school has agreed to provide some services 20026
for the child under an agreement entered into with the eligible 20027
applicant or with the alternative public provider or registered 20028
private provider implementing the child's individualized 20029
education program, or if the district is required by law to 20030
provide some services for the child, including transportation 20031
services under sections 3310.60 and 3327.01 of the Revised Code, 20032
the district shall not discontinue the services it is providing 20033
pending completion of any administrative proceedings regarding 20034
those services. The prosecuting, by the eligible applicant on 20035
behalf of the child, of administrative proceedings regarding the 20036
services provided by the district does not affect the 20037

applicant's and the child's continued eligibility for 20038
scholarship payments. 20039

(D) The department of education and workforce shall 20040
continue to make payments to the eligible applicant under 20041
section 3317.022 of the Revised Code while either of the 20042
following are pending: 20043

(1) Administrative or judicial mediation or proceedings 20044
with respect to a subsequent individualized education program 20045
for the child referred to in division (B) of this section; 20046

(2) Administrative proceedings regarding services provided 20047
by the district under division (C) of this section. 20048

Sec. 3310.63. (A) Only for the purpose of administering 20049
the Jon Peterson special needs scholarship program, the 20050
department of education and workforce may request from any of 20051
the following entities the data verification code assigned under 20052
division (D)(2) of section 3301.0714 of the Revised Code to any 20053
qualified special education child for whom a scholarship is 20054
sought under the program: 20055

(1) The school district in which the child is entitled to 20056
attend school; 20057

(2) If applicable, the community school in which the child 20058
is enrolled; 20059

(3) The independent contractor engaged to create and 20060
maintain data verification codes. 20061

(B) Upon a request by the department under division (A) of 20062
this section for the data verification code of a qualified 20063
special education child or a request by the eligible applicant 20064
for the child for that code, the school district or community 20065

school shall submit that code to the department or applicant in 20066
the manner specified by the department. If the child has not 20067
been assigned a code, because the child will be entering 20068
kindergarten during the school year for which the scholarship is 20069
sought, the district shall assign a code to that child and 20070
submit the code to the department or applicant by a date 20071
specified by the department. If the district does not assign a 20072
code to the child by the specified date, the department shall 20073
assign a code to the child. 20074

The department annually shall submit to each school 20075
district the name and data verification code of each child 20076
residing in the district who is entering kindergarten, who has 20077
been awarded a scholarship under the program, and for whom the 20078
department has assigned a code under this division. 20079

(C) The department shall not release any data verification 20080
code that it receives under this section to any person except as 20081
provided by law. 20082

(D) Any document relative to the Jon Peterson special 20083
needs scholarship program that the department holds in its files 20084
that contains both a qualified special education child's name or 20085
other personally identifiable information and the child's data 20086
verification code shall not be a public record under section 20087
149.43 of the Revised Code. 20088

Sec. 3310.64. The ~~state board~~ department of education and 20089
workforce shall adopt rules in accordance with Chapter 119. of 20090
the Revised Code prescribing procedures necessary to implement 20091
sections 3310.51 to 3310.63 of the Revised Code including, but 20092
not limited to, procedures for parents to apply for 20093
scholarships, standards for registered private providers, and 20094
procedures for registration of private providers. 20095

Sec. 3310.70. (A) A student is an "eligible student" for 20096
purposes of this section if the student is at least six but no 20097
more than eighteen years old and the student's family income is 20098
at or below three hundred per cent of the federal poverty 20099
guidelines, as defined in section 5101.46 of the Revised Code. 20100

(B) (1) There is hereby established the afterschool child 20101
enrichment (ACE) educational savings account program. The 20102
department of education and workforce shall adopt rules under 20103
Chapter 119. of the Revised Code that prescribe procedures for 20104
the establishment of these accounts in fiscal years 2022 and 20105
2023 upon the request of the parent or guardian of an eligible 20106
student enrolled in a public or nonpublic school or an eligible 20107
student who has been excused from the compulsory attendance law 20108
for the purpose of home ~~instruction~~ education under section 20109
3321.04 or 3321.042 of the Revised Code. Accounts shall be 20110
established on a first-come, first-served basis according to the 20111
availability of funds appropriated for purposes of this section. 20112

Accounts shall be used in accordance with division (E) of 20113
this section. Any balance remaining in a student's account after 20114
fiscal year 2023 shall remain in that account for use as 20115
prescribed in division (D) (3) of this section. 20116

(2) The department shall create an online form for parents 20117
and guardians to request the establishment of an account under 20118
this section. 20119

(C) (1) The department shall contract with a vendor for 20120
purposes of administering the provisions of this section and may 20121
contract with the treasurer of state for technical assistance. 20122
In selecting a vendor, the department shall give preference to 20123
those vendors who use a smart phone application that is free for 20124
parents or guardians to use, is capable of scanning receipts, 20125

allows users to provide program feedback, and includes customer 20126
service contact information for parents and guardians who 20127
experience technical issues with the application. For each 20128
fiscal year in which the program operates, the department shall 20129
pay the vendor not more than three per cent of the amount 20130
appropriated for that fiscal year for purposes of this section. 20131

(2) The vendor selected by the department under division 20132
(C) (2) of this section shall do both of the following: 20133

(a) Monitor how accounts are used by parents or guardians 20134
and recoup moneys that are used for purposes that are not 20135
authorized by this section as determined by the vendor; 20136

(b) Provide the department with a comprehensive list of 20137
purchases made with accounts. 20138

(3) At no time shall the vendor authorize parents or 20139
guardians to use moneys for purposes that are not authorized by 20140
this section as determined by the vendor. If the vendor 20141
authorizes parents or guardians to use moneys for a specified 20142
purpose and later determines that purpose is not authorized by 20143
this section, the vendor may recoup that money. 20144

(D) (1) If a parent or guardian makes a request under 20145
division (B) of this section during fiscal year 2022, five 20146
hundred dollars shall be credited to the account established 20147
pursuant to the parent's or guardian's request within fourteen 20148
days of the parent's or guardian's request, and that amount 20149
shall be disbursed upon request to the parent or guardian not 20150
later than June 30, 2022, for use in accordance with division 20151
(E) of this section. Any amount remaining in an account at the 20152
end of fiscal year 2022 shall remain in that account for fiscal 20153
year 2023 for use in accordance with division (E) of this 20154

section. 20155

(2) If a parent or guardian makes a request under division 20156
(B) of this section during fiscal year 2023, five hundred 20157
dollars shall be credited to the account established pursuant to 20158
the parent's or guardian's request within fourteen days of the 20159
parent's or guardian's request, and that amount shall be 20160
disbursed upon request to the parent or guardian not later than 20161
June 30, 2023, for use in accordance with division (E) of this 20162
section. If a parent or guardian had an account established for 20163
fiscal year 2022, that amount shall be credited and distributed 20164
to that account for use in accordance with division (E) of this 20165
section. 20166

(3) Any amount remaining in an account established under 20167
division (B) of this section at the end of fiscal year 2023 20168
shall remain in that account for use in accordance with division 20169
(E) of this section in future fiscal years until either the full 20170
amount has been spent or the student graduates from high school. 20171
Any amount remaining in the account of a student who graduates 20172
from high school shall be returned to the department. 20173

(E) Subject to division (F) of this section, moneys 20174
credited to an education savings account established under 20175
division (B) of this section shall be used by an eligible 20176
student's parent or guardian for any of the following purposes, 20177
whether secular or nonsecular: 20178

- (1) Before- or after-school educational programs; 20179
- (2) Day camps, including camps for academics, music, and 20180
arts; 20181
- (3) Tuition at learning extension centers; 20182
- (4) Tuition for learning pods; 20183

(5) If the student has been excused from the compulsory attendance law for the purpose of home ~~instruction~~ education under section 3321.04 or 3321.042 of the Revised Code, purchase of curriculum and materials;

(6) Educational, learning, or study skills services;

(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;

(8) Language classes;

(9) Instrument lessons;

(10) Tutoring.

(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.

(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.

(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

Sec. 3311.056. The elected members of an educational service center governing board may by resolution adopt a plan for adding appointed members to that governing board. A plan may provide for adding to the board a number of appointed members

that is up to one less than the number of elected members on the 20212
board except that the total number of elected and appointed 20213
board members shall be an odd number. A plan shall provide for 20214
the terms of the appointed board members. The appointed board 20215
members in each plan shall be appointed by a majority vote of 20216
the full number of elected members on the board and vacancies 20217
shall be filled as provided in the plan. Each plan shall specify 20218
the qualifications for the appointed board members of an 20219
educational service center including the experience, knowledge, 20220
and skills that advance the mission and vision of the service 20221
center. Appointed members may be representative of the client 20222
school districts of the service center that are not otherwise 20223
represented on the board. As used in this section, "client 20224
school district" has the same meaning as in section 3311.0510 of 20225
the Revised Code. 20226

A governing board adopting a plan under this section shall 20227
submit the plan to the ~~state board~~ department of education and 20228
workforce for approval. The ~~state board~~ department may approve 20229
or disapprove a plan or make recommendations for modifications 20230
in a plan. A plan shall take effect thirty days after approval 20231
by the ~~state board~~ department and, when effective, appointments 20232
to the board shall be made in accordance with the plan. 20233

The elected members of the governing board of an 20234
educational service center with a plan in effect under this 20235
section may adopt, by unanimous vote of all the elected members, 20236
a resolution to revise or rescind the plan in effect under this 20237
section. All revisions shall comply with the requirements in 20238
this section for appointed board members. A resolution revising 20239
or rescinding a plan shall specify the dates and manner in which 20240
the revision or rescission is to take place. The revision or 20241
rescission of a plan shall be submitted to the ~~state board of~~ 20242

~~education department~~ for approval. The ~~state board department~~ 20243
may approve or disapprove a revision or rescission of a plan or 20244
make recommendations for modifications. Upon approval of a 20245
revision or rescission by the ~~state board department~~, the 20246
revised plan or rescission of the plan shall go into effect as 20247
provided in the revision or rescission. 20248

Sec. 3311.08. The board of education of any local school 20249
district which contains within its territorial boundaries: 20250

(A) All the territory lying within the corporate limits of 20251
a village having a population of three thousand or more 20252
according to the last federal census; 20253

(B) All the territory lying within the corporate limits of 20254
a village having a population of two thousand or more according 20255
to the last federal census and a population outside the 20256
corporate limits of said village, as determined by a census 20257
taken by such board, sufficient to make the total population of 20258
such district three thousand or more, may, by a majority vote of 20259
the full membership of such board, declare that such district be 20260
exempt from the supervision of the governing board of the 20261
educational service center. 20262

When the board of education of a local school district 20263
notifies the governing board of the educational service center 20264
on or before the first day of May in any year, that it has 20265
adopted, by a majority vote of its full membership, a 20266
declaration that such local school district shall be exempt from 20267
the supervision of the educational service center governing 20268
board, such local school district shall be exempt from the 20269
supervision of the educational service center governing board 20270
for the school year commencing the first day of July following 20271
the date of such notification. 20272

The local school district so exempted from the supervision 20273
of the educational service center governing board shall be known 20274
as an "exempted village school district" until its status as an 20275
exempted village school district has been changed. 20276

A census taken by the board of a local school district, of 20277
territory outside the corporate limits of a village, shall be 20278
taken by persons appointed by such board. Each person so 20279
appointed shall take an oath or affirmation to take such a 20280
census accurately and shall make the return under oath to the 20281
treasurer of the board. The treasurer shall send certified 20282
copies of such census to the county auditor and to the 20283
~~superintendent of public instruction~~director of education and 20284
workforce. Such census shall be approved by the ~~superintendent-~~ 20285
director before the school district is deemed to have sufficient 20286
population to meet the requirements of an exempted village 20287
school district. 20288

Sec. 3311.16. Any local, exempted village, or city board 20289
of education, any educational service center governing board, or 20290
any combination of boards of such districts and centers, 20291
referred to in sections 3311.16, 3311.17, and 3311.18 of the 20292
Revised Code as the initiating unit, may make or contract for 20293
the making of a study pertaining to the need to establish within 20294
one county, or within an area comprised of two or more adjoining 20295
counties, a joint vocational school district, and for the 20296
preparation of a plan for the establishment and operation of a 20297
joint vocational school district covering the territory of two 20298
or more school districts within such county or counties. Any 20299
local, exempted village, or city school district in the county 20300
or counties may participate with the initiating unit in the cost 20301
of such study and plan. Such plan shall be submitted to the 20302
~~state board~~department of education and workforce by the 20303

initiating unit. 20304

Sec. 3311.17. On approval of the plan by the ~~state board~~ 20305
department of education and workforce, the initiating unit shall 20306
file a copy of such plan with the board of education of each 20307
district whose territory is proposed to be included in the 20308
proposed joint vocational school district. Within thirty days 20309
after receiving such copy, such board of education shall 20310
determine whether its district shall become a part of the 20311
proposed joint vocational school district. If one or more boards 20312
of education decide not to become a part of such proposed 20313
district, a revised plan shall be prepared by the initiating 20314
unit, and if such revised plan is approved by the ~~state board of~~ 20315
education department, such initiating unit shall file the revised 20316
plan with the board of education of each district whose 20317
territory is proposed to be included in the proposed joint 20318
vocational school district. Within thirty days thereafter, each 20319
such district shall determine whether its district shall become 20320
a part of the proposed joint vocational school district. 20321

Sec. 3311.19. (A) The management and control of a joint 20322
vocational school district shall be vested in the joint 20323
vocational school district board of education which, beginning 20324
on September 29, 2013, shall be appointed under division (C) of 20325
this section. 20326

All members of a joint vocational school district board 20327
serving unexpired terms on September 29, 2013, may continue in 20328
office until the expiration of their terms. If a member leaves 20329
office for any reason prior to the expiration of that member's 20330
term, the vacancy shall be filled only in the manner provided in 20331
division (C) of this section. 20332

(B) Except as provided in section 3311.191 of the Revised 20333

Code, members of the joint vocational school district board 20334
appointed on or after September 29, 2013, shall serve for three- 20335
year terms of office. 20336

(C) The manner of appointment and the total number of 20337
members appointed to the joint vocational school district board 20338
shall be in accordance with the most recent plan for the joint 20339
vocational school district on file with the department of 20340
education and workforce. 20341

(1) Appointments under this section shall be made as the 20342
terms of members of each joint vocational school district board 20343
who are serving unexpired terms on September 29, 2013, expire or 20344
as those offices are otherwise vacated prior to the expiration 20345
date. 20346

(2) Members of the joint vocational board shall be 20347
appointed by the member school district boards of education. 20348
Members of a joint vocational school district board may either 20349
be a current elected board member of a school district board 20350
that is a member of the joint vocational school district or an 20351
individual who has experience or knowledge regarding the labor 20352
needs of the state and region with an understanding of the 20353
skills, training, and education needed for current and future 20354
employment opportunities in the state. The appointing board may 20355
give preference to individuals who have served as members on a 20356
joint vocational school business advisory committee. 20357

(D) The vocational schools in the joint vocational school 20358
district shall be available to all youth of school age within 20359
the joint vocational school district subject to the rules 20360
adopted by the joint vocational school district board of 20361
education in regard to the standards requisite to admission. A 20362
joint vocational school district board of education shall have 20363

the same powers, duties, and authority for the management and 20364
operation of such joint vocational school district as is granted 20365
by law, except by this chapter and Chapters 124., 3317., 3323., 20366
and 3331. of the Revised Code, to a board of education of a city 20367
school district, and shall be subject to all the provisions of 20368
law that apply to a city school district, except such provisions 20369
in this chapter and Chapters 124., 3317., 3323., and 3331. of 20370
the Revised Code. 20371

(E) The superintendent of schools of a joint vocational 20372
school district shall exercise the duties and authority vested 20373
by law in a superintendent of schools pertaining to the 20374
operation of a school district and the employment and 20375
supervision of its personnel. The joint vocational school 20376
district board of education shall appoint a treasurer of the 20377
joint vocational school district who shall be the fiscal officer 20378
for such district and who shall have all the powers, duties, and 20379
authority vested by law in a treasurer of a board of education. 20380

(F) Each member of a joint vocational school district 20381
board of education may be paid such compensation as the board 20382
provides by resolution, but it shall not exceed one hundred 20383
twenty-five dollars per member for each meeting attended plus 20384
mileage, at the rate per mile provided by resolution of the 20385
board, to and from meetings of the board. 20386

The board may provide by resolution for the deduction of 20387
amounts payable for benefits under section 3313.202 of the 20388
Revised Code. 20389

Each member of a joint vocational school district board 20390
may be paid such compensation as the board provides by 20391
resolution for attendance at an approved training program, 20392
provided that such compensation shall not exceed sixty dollars 20393

per day for attendance at a training program three hours or 20394
fewer in length and one hundred twenty-five dollars a day for 20395
attendance at a training program longer than three hours in 20396
length. However, no board member shall be compensated for the 20397
same training program under this section and section 3313.12 of 20398
the Revised Code. 20399

Sec. 3311.191. (A) (1) Subject to division (A) (2) of this 20400
section, if a joint vocational school district has an even 20401
number of member districts each appointing a member to the joint 20402
vocational school district board of education and the joint 20403
vocational school district's plan on file with the department of 20404
education and workforce provides for one additional board member 20405
to be appointed on a rotating basis by one of the appointing 20406
boards, the term of that additional member shall be for one 20407
year. The additional member shall otherwise meet the 20408
requirements for joint vocational school board members 20409
prescribed by section 3311.19 of the Revised Code. 20410

(2) If an additional member of a joint vocational school 20411
district board appointed on a rotating basis, as described in 20412
division (A) (1) of this section, was appointed on or after 20413
September 29, 2013, but prior to September 29, 2015, that member 20414
may continue in office until the expiration of the member's 20415
current term of office. If such member vacates that office for 20416
any reason prior to the expiration of that member's term, a new 20417
additional member shall be appointed according to the rotational 20418
basis prescribed by the district's plan, and that member shall 20419
serve for the remainder of the vacating member's term. 20420
Thereafter, the term of office of the additional member shall be 20421
as prescribed by division (A) (1) of this section. 20422

(B) A joint vocational school district board of education 20423

may submit an application to the ~~superintendent of public~~ 20424
~~instruction department~~ for approval to revise its membership 20425
plan to stagger the members' terms of office. Each board may do 20426
so only one time. The application shall include the revisions 20427
proposed to be made to members' terms, the manner by which the 20428
terms shall be staggered, and any other information the ~~state~~ 20429
~~superintendent department~~ requires. 20430

Sec. 3311.213. (A) With the approval of the board of 20431
education of a joint vocational school district that is in 20432
existence, any school district in the county or counties 20433
comprising the joint vocational school district or any school 20434
district in a county adjacent to a county comprising part of a 20435
joint vocational school district may become a part of the joint 20436
vocational school district. On the adoption of a resolution of 20437
approval by the board of education of the joint vocational 20438
school district, it shall advertise a copy of such resolution in 20439
a newspaper of general circulation in the school district 20440
proposing to become a part of such joint vocational school 20441
district once each week for two weeks, or as provided in section 20442
7.16 of the Revised Code, immediately following the date of the 20443
adoption of such resolution. Such resolution shall not become 20444
effective until the later of the sixty-first day after its 20445
adoption or until the board of elections certifies the results 20446
of an election in favor of joining of the school district to the 20447
joint vocational school district if such an election is held 20448
under division (B) of this section. 20449

(B) During the sixty-day period following the date of the 20450
adoption of a resolution to join a school district to a joint 20451
vocational school district under division (A) of this section, 20452
the electors of the school district that proposes joining the 20453
joint vocational school district may petition for a referendum 20454

vote on the resolution. The question whether to approve or 20455
disapprove the resolution shall be submitted to the electors of 20456
such school district if a number of qualified electors equal to 20457
twenty per cent of the number of electors in the school district 20458
who voted for the office of governor at the most recent general 20459
election for that office sign a petition asking that the 20460
question of whether the resolution shall be disapproved be 20461
submitted to the electors. The petition shall be filed with the 20462
board of elections of the county in which the school district is 20463
located. If the school district is located in more than one 20464
county, the petition shall be filed with the board of elections 20465
of the county in which the majority of the territory of the 20466
school district is located. The board shall certify the validity 20467
and sufficiency of the signatures on the petition. 20468

The board of elections shall immediately notify the board 20469
of education of the joint vocational school district and the 20470
board of education of the school district that proposes joining 20471
the joint vocational school district that the petition has been 20472
filed. 20473

The effect of the resolution shall be stayed until the 20474
board of elections certifies the validity and sufficiency of the 20475
signatures on the petition. If the board of elections determines 20476
that the petition does not contain a sufficient number of valid 20477
signatures and sixty days have passed since the adoption of the 20478
resolution, the resolution shall become effective. 20479

If the board of elections certifies that the petition 20480
contains a sufficient number of valid signatures, the board 20481
shall submit the question to the qualified electors of the 20482
school district on the day of the next general or primary 20483
election held at least ninety days after but no later than six 20484

months after the board of elections certifies the validity and 20485
sufficiency of signatures on the petition. If there is no 20486
general or primary election held at least ninety days after but 20487
no later than six months after the board of elections certifies 20488
the validity and sufficiency of signatures on the petition, the 20489
board shall submit the question to the electors at a special 20490
election to be held on the next day specified for special 20491
elections in division (D) of section 3501.01 of the Revised Code 20492
that occurs at least ninety days after the board certifies the 20493
validity and sufficiency of signatures on the petition. The 20494
election shall be conducted and canvassed and the results shall 20495
be certified in the same manner as in regular elections for the 20496
election of members of a board of education. 20497

If a majority of the electors voting on the question 20498
disapprove the resolution, the resolution shall not become 20499
effective. 20500

(C) If the resolution becomes effective, the board of 20501
education of the joint vocational school district shall notify 20502
the county auditor of the county in which the school district 20503
becoming a part of the joint vocational school district is 20504
located, who shall thereupon have any outstanding levy for 20505
building purposes, bond retirement, or current expenses in force 20506
in the joint vocational school district spread over the 20507
territory of the school district becoming a part of the joint 20508
vocational school district. On the addition of a city or 20509
exempted village school district or an educational service 20510
center to the joint vocational school district, pursuant to this 20511
section, the board of education of such joint vocational school 20512
district shall submit to the ~~state board~~ department of education 20513
and workforce a proposal to enlarge the membership of such board 20514
by the addition of one or more persons at least one of whom 20515

shall be a member of the board of education or governing board 20516
of such additional school district or educational service 20517
center, and the term of each such additional member. On the 20518
addition of a local school district to the joint vocational 20519
school district, pursuant to this section, the board of 20520
education of such joint vocational school district may submit to 20521
the ~~state board of education department~~ a proposal to enlarge 20522
the membership of such board by the addition of one or more 20523
persons who are members of the educational service center 20524
governing board of such additional local school district. On 20525
approval by the ~~state board of education department~~ additional 20526
members shall be added to such joint vocational school district 20527
board of education. 20528

Sec. 3311.214. (A) With the approval of the ~~state board-~~ 20529
~~department~~ of education and workforce, the boards of education 20530
of any two or more joint vocational school districts may, by the 20531
adoption of identical resolutions by a majority of the members 20532
of each such board, propose that one new joint vocational school 20533
district be created by adding together all of the territory of 20534
each of the districts and dissolving such districts. A copy of 20535
each resolution shall be filed with the ~~state board of education-~~ 20536
~~department~~ for its approval or disapproval. The resolutions 20537
shall include a provision that the board of education of the new 20538
district shall be composed of the members from the same boards 20539
of education that composed the membership of the board of each 20540
of the districts to be dissolved, except that, if an even number 20541
of districts are to be dissolved, one additional member shall be 20542
added, who may be from any school district included in the 20543
territory of any of the districts to be dissolved as designated 20544
in the resolutions. The members of the new board shall have the 20545
same terms of office as they had under the respective plans of 20546

the districts adopting the resolutions, except that, if the new board has an additional member, the additional member shall have a term as specified in the resolutions.

If the ~~state board department~~ approves the resolutions, the board of education of each district to be dissolved shall advertise a copy of the resolution in a newspaper of general circulation in its district once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the date the resolutions are approved by the ~~state board department~~. The resolutions shall become effective on the first day of July next succeeding the sixtieth day following approval by the ~~state board department~~ unless prior to the expiration of such sixty-day period, qualified electors residing in one of the districts to be dissolved equal in number to a majority of the qualified electors of that district voting at the last general election file with the ~~state board department~~ a petition of remonstrance against creation of the proposed new district.

(B) When a resolution becomes effective under division (A) of this section, each district in which a resolution was adopted and the board of each such district are dissolved. The territory of each dissolved district becomes a part of the new joint vocational school district. The net indebtedness of each dissolved district shall be assumed in full by the new district and the funds and property of each dissolved district shall become in full the funds and property of the new district. All existing contracts of each dissolved board shall be honored by the board of the new district until their expiration dates. The board of the new district shall notify the county auditor of each county in which each dissolved district was located that a resolution has become effective and a new district has been

created and shall certify to each auditor any changes that might 20578
be required in the tax rate as a result of the creation of the 20579
new district. 20580

(C) As used in this section, "net indebtedness" means the 20581
difference between the par value of the outstanding and unpaid 20582
bonds and notes of the school district and the amount held in 20583
the sinking fund and other indebtedness retirement funds for 20584
their redemption. 20585

Sec. 3311.217. Upon approval by a majority of the full 20586
membership of the board of education of a joint vocational 20587
school district, or upon the receipt of resolutions formally 20588
adopted by a majority of the boards of education of the school 20589
districts participating in the joint vocational school district, 20590
the board of education of the joint vocational school district 20591
shall adopt and send to the ~~state board~~ department of education 20592
and workforce a resolution requesting the dissolution of the 20593
joint vocational school district. Such resolution shall state 20594
the reasons for the proposed dissolution of the joint vocational 20595
school district, shall set forth a plan for the equitable 20596
adjustment, division, and disposition of the assets, property, 20597
debts, and obligations of the joint vocational school district, 20598
and shall provide that the tax duplicate of each participating 20599
school district shall be bound for and assume its share of the 20600
outstanding indebtedness of the joint vocational school 20601
district. Upon approval of the resolution by the ~~state board of~~ 20602
~~education~~ department, the joint vocational school district shall 20603
be dissolved in accordance with the provisions of the 20604
resolution. 20605

Sec. 3311.218. The board of education of a joint 20606
vocational school district may enter into a written agreement 20607

with the board of trustees of any technical college district, 20608
the boundaries of which are coterminous with such joint 20609
vocational ~~school~~ school district, which agreement may provide 20610
for the sharing of use of any physical facility or equipment 20611
owned or used by either district. Such agreement may further 20612
provide that the joint vocational school district may contribute 20613
a portion of its funds for current operating expenses, 20614
regardless of whether such funds are derived from a tax levy or 20615
otherwise, to the technical college district to be expended by 20616
the technical college district for any lawful purpose. The 20617
agreement shall require the approval by resolution of both 20618
boards and shall be executed by the president and treasurer of 20619
both boards. A copy of such agreement shall be filed with the 20620
~~board of regents~~ chancellor of higher education and a copy shall 20621
be filed with the ~~state board~~ department of education and 20622
workforce. 20623

Sec. 3311.521. (A) The boards of education of any two or 20624
more contiguous city, exempted village, or local school 20625
districts may establish a cooperative education school district 20626
in accordance with this section for the purpose of operating a 20627
joint high school in lieu of each of such boards operating any 20628
high school. Such a cooperative education school district shall 20629
only be established pursuant to the adoption of identical 20630
resolutions in accordance with this section within a sixty-day 20631
period by a majority of the members of the board of education of 20632
all such boards. Upon the adoption of all such resolutions, a 20633
copy of each resolution shall be filed with the ~~state board~~ 20634
department of education and workforce. 20635

The territory of any cooperative education school district 20636
established pursuant to this section shall consist of the 20637
territory of all of the school districts whose boards of 20638

education adopt identical resolutions under this section. 20639

(B) Any resolutions adopted under division (A) of this 20640
section shall include all of the following: 20641

(1) Provision for the date on which the cooperative 20642
district will be created, which date shall be the first day of 20643
July in the year specified in the resolution; 20644

(2) Provision for the composition, selection, and terms of 20645
office of the board of education of the cooperative district, 20646
which provision shall include but not necessarily be limited to 20647
both of the following: 20648

(a) A requirement that the board include at least two 20649
members selected from or by the members of the board of 20650
education of each city, local, and exempted village school 20651
district within the territory of the cooperative district; 20652

(b) Specification of the date by which the initial members 20653
of the board must be selected, which date shall be the same as 20654
the date specified pursuant to division (B)(1) of this section. 20655

(3) Provision for the selection of a superintendent and 20656
treasurer of the cooperative school district, which provision 20657
shall require one of the following: 20658

(a) The selection of one person as both the superintendent 20659
and treasurer of the cooperative district, which provision may 20660
require such person to be the superintendent or treasurer of any 20661
city, local, or exempted village school district within the 20662
territory of the cooperative district; 20663

(b) The selection of one person as the superintendent and 20664
another person as the treasurer of the cooperative district, 20665
which provision may require either one or both such persons to 20666

be superintendents or treasurers of any city, local, or exempted
village school district within the territory of the cooperative
district. 20667
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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; 20670
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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; 20680
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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; 20685
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(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: 20691
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(a) How special education students will be transported as 20695

required by their individualized education program adopted 20696
pursuant to section 3323.08 of the Revised Code; 20697

(b) Whether transportation to and from school will be 20698
provided to any other students of the cooperative district and, 20699
if so, the manner in which this transportation will be provided. 20700

(8) A statement of the annual amount, or the method for 20701
determining the annual amount, of funds or services or 20702
facilities that each city, local, and exempted village school 20703
district is required to pay to or provide for the use of the 20704
board of education of the cooperative education school district; 20705

(9) Provision for adopting amendments to the provisions 20706
adopted pursuant to divisions (B) (3) to (8) of this section, 20707
which provision shall require that any such amendments comply 20708
with divisions (B) (3) to (8) of this section. 20709

(C) Upon the adoption of identical resolutions in 20710
accordance with this section, the cooperative education school 20711
district and board of education of that district specified in 20712
and selected in accordance with such resolutions shall be 20713
established on the date specified in the resolutions. Upon the 20714
establishment of the district and board, the board of the 20715
cooperative district shall give written notice of the creation 20716
of the district to the county auditor and the board of elections 20717
of each county having any territory in the new district. 20718

Sec. 3311.53. (A) (1) The board of education of any city, 20719
local, or exempted village school district that wishes to become 20720
part of a cooperative education school district established 20721
pursuant to divisions (A) to (C) of section 3311.52 of the 20722
Revised Code may adopt a resolution proposing to become a part 20723
of the cooperative education school district. 20724

(2) The board of education of any city, local, or exempted village school district that is contiguous to a cooperative education school district established pursuant to section 3311.521 of the Revised Code and that wishes to become part of that cooperative district may adopt a resolution proposing to become part of that cooperative district.

(B) If, after the adoption of a resolution in accordance with division (A) of this section, the board of education of the cooperative education school district named in that resolution also adopts a resolution accepting the new district, the board of the district wishing to become part of the cooperative district shall advertise a copy of the cooperative district board's resolution in a newspaper of general circulation in the school district proposing to become a part of the cooperative education school district once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the date of the adoption of the resolution. The resolution shall become legally effective on the sixtieth day after its adoption, unless prior to the expiration of that sixty-day period qualified electors residing in the school district proposed to become a part of the cooperative education school district equal in number to a majority of the qualified electors voting at the last general election file with the board of education a petition of remonstrance against the transfer. If the resolution becomes legally effective, both of the following shall apply:

(1) The resolution that established the cooperative education school district pursuant to divisions (A) to (C) of section 3311.52 or section 3311.521 of the Revised Code shall be amended to reflect the addition of the new district to the cooperative district.

(2) The board of education of the cooperative education school district shall give written notice of this fact to the county auditor and the board of elections of each county in which the school district becoming a part of the cooperative education school district has territory. Any such county auditor shall thereupon have any outstanding levy for building purposes, bond retirement, or current expenses in force in the cooperative education school district spread over the territory of the school district becoming a part of the cooperative education school district.

(C) If the board of education of the cooperative education school district is not the governing board of an educational service center, the board of education of the cooperative education school district shall, on the addition of a city, local, or exempted village school district to the district pursuant to this section, submit to the ~~state board department~~ of education and workforce a proposal to enlarge the membership of the board. In the case of a cooperative district established 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. 20787

Sec. 3311.60. This section applies to any school district 20788
that has an average daily membership, as reported under division 20789
(A) of section 3317.03 of the Revised Code, greater than sixty 20790
thousand and of which the majority of the district's territory 20791
is located in a city with a population greater than seven 20792
hundred thousand according to the most recent federal decennial 20793
census. 20794

(A) Subject to approval by the electors under section 20795
3311.61 of the Revised Code, the board of education of a school 20796
district to which this section applies shall create the position 20797
of independent auditor to be responsible for all internal 20798
auditing functions of the district. The independent auditor 20799
shall be selected by the selection committee prescribed by 20800
division (B) of this section. Upon selection of the independent 20801
auditor, the district board shall execute a written contract of 20802
employment with the independent auditor. The district board 20803
shall appropriate funds to support the operations and functions 20804
of the independent auditor and shall grant the independent 20805
auditor access to all district personnel, equipment, and records 20806
necessary to perform the duties prescribed by divisions (C) and 20807
(D) of this section. The term of office for the independent 20808
auditor shall be for five years and may be renewed for 20809
additional terms by the selection committee. 20810

(B) (1) The independent auditor selection committee shall 20811
consist of the mayor, council president, and auditor of the city 20812
in which a majority of the territory of the district is located; 20813
the president of the school district board of education; and the 20814
probate court judge of the county in which a majority of the 20815
territory of the district is located. Members of the selection 20816

committee shall serve without compensation. 20817

(2) The selection committee shall do the following: 20818

(a) Establish qualifications for the position of 20819
independent auditor; 20820

(b) Select, by majority vote, an individual to serve as 20821
the independent auditor; 20822

(c) Recommend to the district board of education the 20823
compensation for the position of independent auditor and the 20824
necessary additional funds to finance operations and functions 20825
of the independent auditor; 20826

(d) Reappoint the independent auditor for an additional 20827
term, by a majority vote of the selection committee members; 20828

(e) Appoint a successor, if the current independent 20829
auditor is not reappointed, by a majority vote of the committee 20830
members; 20831

(f) In the event of a vacancy in the office of independent 20832
auditor, appoint a successor to the balance of the unexpired 20833
term, by a majority vote of the selection committee members; 20834

(g) Remove the independent auditor from office, by a two- 20835
thirds vote of the selection committee members. 20836

(C) The independent auditor shall do the following: 20837

(1) Recommend to the district board of education the 20838
employment of personnel necessary to carry out the activities of 20839
the independent auditor; 20840

(2) Prescribe duties and qualifications for staff of the 20841
independent auditor; 20842

(3) Serve as the district's public records officer and 20843

oversee the maintenance and availability of the school 20844
district's public documents; 20845

(4) Prior to certification by the school district 20846
superintendent, review reports and data that must be submitted 20847
to the department of education ~~and the state board of education~~ 20848
and workforce; 20849

(5) Receive any complaints of alleged wrongful or illegal 20850
acts regarding the district's operations, finances, and data 20851
reported under the education management information system 20852
prescribed under section 3301.0714 of the Revised Code and 20853
supervise the internal investigation of those complaints. At the 20854
independent auditor's discretion, the independent auditor may 20855
initiate investigations. 20856

(6) Report the results of investigations of such wrongful 20857
or illegal acts, whether criminal in nature or otherwise, to the 20858
appropriate authorities or agencies, including the school 20859
district board of education, the city attorney of the city in 20860
which a majority of the territory of the district is located, 20861
the prosecuting attorney of the county in which a majority of 20862
the territory of the district is located, the auditor of state, 20863
the department of education and workforce, and the Ohio ethics 20864
commission; 20865

(7) Propose to the selection committee a budget to support 20866
the independent auditor's operations and functions; 20867

(8) Audit funds a partnering community school receives 20868
from the district's partnering community schools fund 20869
established under section 5705.21 of the Revised Code; 20870

(9) Submit, not later than the first day of September of 20871
each year, a report on the activities of the independent auditor 20872

to the selection committee, the board of education of the school district, and the general assembly in accordance with section 101.68 of the Revised Code. The report required under division ~~(C) (8)~~ (C) (9) of this section is a public record under section 149.43 of the Revised Code.

If sufficient funds are available, the independent auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform the duties prescribed under divisions (C) and (D) of this section.

(D) In cooperation with the school district board of education and in coordination with the auditor of state, the independent auditor may conduct or initiate financial and performance audits and analyses of the school district to ensure the following:

(1) School district activities and programs comply with all applicable laws and district policies, procedures, and appropriations;

(2) Student performance and enrollment data are accurately and clearly reported;

(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district;

(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board;

(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;

(6) District operations are executed in a cost-effective

and efficient manner consistent with the objectives of and 20901
appropriations made by the district board; 20902

(7) Accuracy of district financial statements and reports; 20903

(8) Recommendations for improvement that have been adopted 20904
by the district board are implemented; 20905

(9) Operating units or departments have necessary and 20906
appropriate operating and administrative policies, procedures, 20907
internal controls, and data quality protocols; 20908

(10) Proper evaluation of district programs and 20909
activities, including a full accounting of all funds. 20910

Sec. 3311.71. (A) As used in this section and in sections 20911
3311.72 to 3311.87 of the Revised Code: 20912

(1) "Municipal school district" means a school district 20913
that is or has ever been under a federal court order requiring 20914
supervision and operational, fiscal, and personnel management of 20915
the district by the ~~state~~ superintendent of public instruction 20916
prior to the effective date of this amendment or by the director 20917
of education and workforce on and after the effective date of 20918
this amendment. 20919

(2) "Mayor" means the mayor of the municipal corporation 20920
containing the greatest portion of a municipal school district's 20921
territory. 20922

(B) Whenever any municipal school district is released by 20923
a federal court from an order requiring supervision and 20924
operational, fiscal, and personnel management of the district by 20925
the state superintendent or director of education and workforce, 20926
the management and control of that district shall be assumed, 20927
effective immediately, by a new nine-member board of education. 20928

Members of the new board shall be appointed by the mayor, who 20929
shall also designate one member as the chairperson of the board. 20930
In addition to the rights, authority, and duties conferred upon 20931
the chairperson by sections 3311.71 to 3311.87 of the Revised 20932
Code, the chairperson shall have all the rights, authority, and 20933
duties conferred upon the president of a board of education by 20934
the Revised Code that are not inconsistent with sections 3311.71 20935
to 3311.87 of the Revised Code. 20936

(C) No school board member shall be appointed by the mayor 20937
pursuant to division (B) of this section until the mayor has 20938
received a slate of at least eighteen candidates nominated by a 20939
municipal school district nominating panel, at least three of 20940
whom reside in the municipal school district but not in the 20941
municipal corporation containing the greatest portion of the 20942
district's territory. The municipal school district nominating 20943
panel shall be initially convened and chaired by the state 20944
~~superintendent of public instruction~~ or director, who shall 20945
serve as a nonvoting member for the first two years of the 20946
panel's existence, and shall consist of eleven persons selected 20947
as follows: 20948

(1) Three parents or guardians of children attending the 20949
schools of the municipal school district appointed by the 20950
district parent-teacher association, or similar organization 20951
selected by the state superintendent or director; 20952

(2) Three persons appointed by the mayor; 20953

(3) One person appointed by the president of the 20954
legislative body of the municipal corporation containing the 20955
greatest portion of the municipal school district's territory; 20956

(4) One teacher appointed by the collective bargaining 20957

representative of the school district's teachers; 20958

(5) One principal appointed through a vote of the school 20959
district's principals, which vote shall be conducted by the 20960
state superintendent or director; 20961

(6) One representative of the business community appointed 20962
by an organized collective business entity selected by the 20963
mayor; 20964

(7) One president of a public or private institution of 20965
higher education located within the municipal school district 20966
appointed by the state superintendent ~~of public instruction~~ or 20967
director. 20968

The municipal school district nominating panel shall 20969
select one of its members as its chairperson commencing two 20970
years after the date of the first meeting of the panel, at which 20971
time the state superintendent ~~of public instruction~~ or director 20972
shall no longer convene or chair the panel. Thereafter, the 20973
panel shall meet as necessary to make nominations at the call of 20974
the chairperson. All members of the panel shall serve at the 20975
pleasure of the appointing authority. Vacancies on the panel 20976
shall be filled in the same manner as the initial appointments. 20977

(D) No individual shall be appointed by the mayor pursuant 20978
to division (B) or (F) of this section unless the individual has 20979
been nominated by the nominating panel, resides in the school 20980
district, and holds no elected public office. At any given time, 20981
four of the nine members appointed by the mayor to serve on the 20982
board pursuant to either division (B) or (F) of this section 20983
shall have displayed, prior to appointment, significant 20984
expertise in either the education field, finance, or business 20985
management. At all times at least one member of the board shall 20986

be an individual who resides in the municipal school district 20987
but not in the municipal corporation containing the greatest 20988
portion of the district's territory. 20989

(E) The terms of office of all members appointed by the 20990
mayor pursuant to division (B) of this section shall expire on 20991
the next thirtieth day of June following the referendum election 20992
required by section 3311.73 of the Revised Code. The mayor may, 20993
with the advice and consent of the nominating panel, remove any 20994
member appointed pursuant to that division or division (F) of 20995
this section for cause. 20996

(F) If the voters of the district approve the continuation 20997
of an appointed board at the referendum election required by 20998
section 3311.73 of the Revised Code, the mayor shall appoint the 20999
members of a new board from a slate prepared by the nominating 21000
panel in the same manner as the initial board was appointed 21001
pursuant to divisions (B), (C), and (D) of this section. Five of 21002
the members of the new board shall be appointed to four-year 21003
terms and the other four shall be appointed to two-year terms, 21004
each term beginning on the first day of July. Thereafter, the 21005
mayor shall appoint members to four-year terms in the same 21006
manner as described in divisions (B), (C), and (D) of this 21007
section. The minimum number of individuals who shall be on the 21008
slate prepared by the nominating panel for this purpose shall be 21009
at least twice the number of members to be appointed, including 21010
at least two who reside in the municipal school district but not 21011
in the municipal corporation containing the greatest portion of 21012
the district's territory. 21013

(G) In addition to the nine members appointed by the 21014
mayor, the boards appointed pursuant to divisions (B) and (F) of 21015
this section shall include the following nonvoting ex officio 21016

members: 21017

(1) If the main campus of a state university specified in 21018
section 3345.011 of the Revised Code is located within the 21019
municipal school district, the president of the university or 21020
the president's designee; 21021

(2) If any community college has its main branch located 21022
within the district, the president of the community college that 21023
has the largest main branch within the district, or the 21024
president's designee. 21025

Sec. 3311.74. (A) The board of education of a municipal 21026
school district, in consultation with the department of 21027
education and workforce, shall set goals for the district's 21028
educational, financial, and management progress and establish 21029
accountability standards with which to measure the district's 21030
progress. 21031

(B) (1) The chief executive officer of a municipal school 21032
district shall develop, implement, and regularly update a plan 21033
to measure student academic performance at each school within 21034
the district. The plan developed by the chief executive officer 21035
shall include a component that requires the parents or guardians 21036
of students who attend the district's schools to attend, prior 21037
to the fifteenth day of December each year, at least one parent- 21038
teacher conference or similar event held by the school the 21039
student attends to provide an opportunity for the parents and 21040
guardians to meet the student's teachers, discuss expectations 21041
for the student, discuss the student's performance, and foster 21042
communication between home and school. 21043

(2) Where measurements demonstrate that students in 21044
particular schools are not achieving, or are not improving their 21045

achievement levels at an acceptable rate, the plan shall contain 21046
provisions requiring the chief executive officer, with the 21047
concurrence of the board, to take corrective action within those 21048
schools, including, but not limited to, reallocation of academic 21049
and financial resources, reassignment of staff, redesign of 21050
academic programs, adjusting the length of the school year or 21051
school day, and deploying additional assistance to students. 21052

(3) Prior to taking corrective action pursuant to the 21053
plan, the chief executive officer shall first identify which 21054
schools are in need of corrective action, what corrective action 21055
is warranted at each school, and when the corrective action 21056
should be implemented. Collectively, these items shall be known 21057
as the "corrective plan." The corrective plan is not intended to 21058
be used as a cost savings measure; rather, it is intended to 21059
improve student performance at targeted schools. 21060

Immediately after developing the corrective plan, the 21061
chief executive officer and the presiding officer of each labor 21062
organization whose members will be affected by the corrective 21063
plan shall each appoint up to four individuals to form one or 21064
more corrective action teams. The corrective action teams, 21065
within the timelines set by the chief executive officer for 21066
implementation of the corrective plan, shall collaborate with 21067
the chief executive officer and, where there are overlapping or 21068
mutual concerns, with other corrective action teams to make 21069
recommendations to the chief executive officer on implementation 21070
of the corrective plan. 21071

If the chief executive officer disagrees with all or part 21072
of the recommendations of a corrective action team, or if a 21073
corrective action team fails to make timely recommendations on 21074
the implementation of all or part of the corrective plan, the 21075

chief executive officer may implement the corrective plan in the 21076
manner in which the chief executive officer determines to be in 21077
the best interest of the students, consistent with the timelines 21078
originally established. 21079

The chief executive officer and any corrective action team 21080
are not bound by the applicable provisions of collective 21081
bargaining agreements in developing recommendations for and 21082
implementing the corrective plan. 21083

(4) Notwithstanding anything to the contrary in Chapter 21084
4117. of the Revised Code, the content and implementation of the 21085
corrective plan prevail over any conflicting provision of a 21086
collective bargaining agreement entered into on or after ~~the~~ 21087
~~effective date of this amendment~~ October 1, 2012. 21088

(C) Annually the chief executive officer shall issue a 21089
report to residents of the district that includes results of 21090
achievement measurements made under division (B)(1) of this 21091
section and delineates the nature of any reforms and corrective 21092
actions being taken in response to any failure to achieve at an 21093
acceptable level or rate. The report shall also contain 21094
descriptions of efforts undertaken to improve the overall 21095
quality or efficiency of operation of the district, shall list 21096
the source of all district revenues, and shall contain a 21097
description of all district expenditures during the preceding 21098
fiscal year. 21099

(D) The chief executive officer shall implement a public 21100
awareness campaign to keep the parents and guardians of the 21101
district's students informed of the changes being implemented 21102
within the district. The campaign may include such methods as 21103
community forums, letters, and brochures. It shall include 21104
annual distribution to all parents and guardians of an 21105

information card specifying the names and business addresses and 21106
telephone numbers of the ombudspersons appointed under section 21107
3311.72 of the Revised Code and other employees of the district 21108
board of education who may serve as information resources for 21109
parents and guardians. 21110

Sec. 3311.741. (A) This section applies only to a 21111
municipal school district in existence on July 1, 2012. 21112

(B) Not later than December 1, 2012, the board of 21113
education of each municipal school district to which this 21114
section applies shall submit to the ~~superintendent of public~~ 21115
~~instruction~~ director of education and workforce an array of 21116
measures to be used in evaluating the performance of the 21117
district. The measures shall assess at least overall student 21118
achievement, student progress over time, the achievement and 21119
progress over time of each of the applicable categories of 21120
students described in division (G) of section 3302.03 of the 21121
Revised Code, and college and career readiness. The ~~state~~ 21122
~~superintendent~~ director shall approve or disapprove the measures 21123
by January 15, 2013. If the measures are disapproved, the ~~state~~ 21124
~~superintendent~~ director shall recommend modifications that will 21125
make the measures acceptable. 21126

(C) Beginning with the 2012-2013 school year, the board 21127
annually shall establish goals for improvement on each of the 21128
measures approved under division (B) of this section. The school 21129
district's performance data for the 2011-2012 school year shall 21130
be used as a baseline for determining improvement. 21131

(D) Not later than October 1, 2013, and by the first day 21132
of October each year thereafter, the board shall issue a report 21133
describing the school district's performance for the previous 21134
school year on each of the measures approved under division (B) 21135

of this section and whether the district has met each of the 21136
improvement goals established for that year under division (C) 21137
of this section. The board shall provide the report to the 21138
governor, the ~~superintendent of public instruction~~director of 21139
education and workforce, and, in accordance with section 101.68 21140
of the Revised Code, the general assembly. 21141

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. 21142
of the Revised Code, upon written request of the district chief 21143
executive officer, the ~~state superintendent of public~~ 21144
~~instruction~~director of education and workforce may exempt a 21145
municipal school district from any rules adopted under Title 21146
XXXIII of the Revised Code except for any rule adopted under 21147
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 21148
3323. of the Revised Code, and may authorize a municipal school 21149
district to apply funds allocated to the district under Chapter 21150
3317. of the Revised Code, except those specifically allocated 21151
to purposes other than current expenses, to the payment of debt 21152
charges on the district's public obligations. The request must 21153
specify the provisions from which the district is seeking 21154
exemption or the application of funds requested and the reasons 21155
for the request. The ~~state superintendent~~director shall approve 21156
the request if the ~~superintendent~~director finds the requested 21157
exemption or application of funds is in the best interest of the 21158
district's students. The ~~superintendent~~director shall approve 21159
or disapprove the request within thirty days and shall notify 21160
the district board and the district chief executive officer of 21161
approval or reasons for disapproving the request. 21162

(B) The board of education of a municipal school district 21163
may apply for an exemption from specific statutory provisions or 21164
rules under section 3302.07 of the Revised Code. 21165

(C) In addition to the rights, authority, and duties 21166
conferred upon a municipal school district and its board of 21167
education in sections 3311.71 to 3311.87 of the Revised Code, a 21168
municipal school district and its board shall have all of the 21169
rights, authority, and duties conferred upon a city school 21170
district and its board by law that are not inconsistent with 21171
sections 3311.71 to 3311.87 of the Revised Code. 21172

Sec. 3311.86. (A) As used in this section: 21173

(1) "Alliance" means a municipal school district 21174
transformation alliance established as a nonprofit corporation. 21175

(2) "Alliance municipal school district" means a municipal 21176
school district for which an alliance has been created under 21177
this section. 21178

(3) "Partnering community school" means a community school 21179
established under Chapter 3314. of the Revised Code that is 21180
located within the territory of a municipal school district and 21181
that either is sponsored by the district or is a party to an 21182
agreement with the district whereby the district and the 21183
community school endorse each other's programs. 21184

(4) "Transformation alliance education plan" means a plan 21185
prepared by the mayor, and confirmed by the alliance, to 21186
transform public education in the alliance municipal school 21187
district to a system of municipal school district schools and 21188
partnering community schools that will be held to the highest 21189
standards of school performance and student achievement. 21190

(B) If one or more partnering community schools are 21191
located in a municipal school district, the mayor may initiate 21192
proceedings to establish a municipal school district 21193
transformation alliance as a nonprofit corporation under Chapter 21194

1702. of the Revised Code. The mayor shall have sole authority 21195
to appoint the directors of any alliance created under this 21196
section. The directors of the alliance shall include 21197
representatives of all of the following: 21198

(1) The municipal school district; 21199

(2) Partnering community schools; 21200

(3) Members of the community at large, including parents 21201
and educators; 21202

(4) The business community, including business leaders and 21203
foundation leaders. 21204

No one group listed in divisions (B)(1) to (4) of this 21205
section shall comprise a majority of the directors. The mayor 21206
shall be an ex officio director, and serve as the chairperson of 21207
the board of directors, of any alliance created under this 21208
section. If the proceedings are initiated, the mayor shall 21209
identify the directors in the articles of incorporation filed 21210
under section 1702.04 of the Revised Code. 21211

(C) (1) A majority of the members of the board of directors 21212
of the alliance shall constitute a quorum of the board. Any 21213
formal action taken by the board of directors shall take place 21214
at a meeting of the board and shall require the concurrence of a 21215
majority of the members of the board. Meetings of the board of 21216
directors shall be public meetings open to the public at all 21217
times, except that the board and its committees and 21218
subcommittees may hold an executive session, as if it were a 21219
public body with public employees, for any of the purposes for 21220
which an executive session of a public body is permitted under 21221
division (G) of section 121.22 of the Revised Code, 21222
notwithstanding that the alliance is not a public body as 21223

defined in that section, and its employees are not public 21224
employees as provided in division (F) of this section. The board 21225
of directors shall establish reasonable methods whereby any 21226
person may determine the time and place of all of the board's 21227
public meetings and by which any person, upon request, may 21228
obtain reasonable advance notification of the board's public 21229
meetings. Provisions for that advance notification may include, 21230
but are not limited to, mailing notices to all subscribers on a 21231
mailing list or mailing notices in self-addressed, stamped 21232
envelopes provided by the person. 21233

(2) All records of the alliance shall be organized and 21234
maintained by the alliance and also filed with the department of 21235
education and workforce. The alliance and the department shall 21236
make those records available to the public as though those 21237
records were public records for purposes of Chapter 149. of the 21238
Revised Code. The department shall promptly notify the alliance 21239
upon the department's receipt of any requests for records 21240
relating to the alliance pursuant to section 149.43 of the 21241
Revised Code. 21242

(3) The board of directors of the alliance shall establish 21243
a conflicts of interest policy and shall adopt that policy, and 21244
any amendments to the policy, at a meeting of the board held in 21245
accordance with this section. 21246

(D) (1) If an alliance is created under this section, the 21247
alliance shall do all of the following: 21248

(a) Report annually on the performance of all municipal 21249
school district schools and all community schools established 21250
under Chapter 3314. of the Revised Code and located in the 21251
district, using the criteria adopted under division (B) of 21252
section 3311.87 of the Revised Code; 21253

(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. 21283

(2) The alliance shall review the sponsor's request and 21284
shall make a recommendation to the department based on the 21285
standards for sponsors developed under division (A) (2) of 21286
section 3311.87 of the Revised Code. 21287

(3) The department shall use the standards developed under 21288
division (A) (2) of section 3311.87 of the Revised Code, in 21289
addition to any other requirements of the Revised Code, to 21290
review a sponsor's request and make a final determination, on 21291
recommendation of the alliance, of whether the sponsor may 21292
sponsor new community schools in the alliance municipal school 21293
district. 21294

No sponsor shall be required to receive authorization to 21295
sponsor new community schools under division (E) (3) of this 21296
section more than one time. 21297

(F) Directors, officers, and employees of an alliance are 21298
not public employees or public officials, are not subject to 21299
Chapters 124., 145., and 4117. of the Revised Code, and are not 21300
"public officials" or "public servants" as defined in section 21301
2921.01 of the Revised Code. Membership on the board of 21302
directors of an alliance does not constitute the holding of an 21303
incompatible public office or employment in violation of any 21304
statutory or common law prohibition against the simultaneous 21305
holding of more than one public office or employment. Members of 21306
the board of directors of an alliance are not disqualified from 21307
holding any public office by reason of that membership, and do 21308
not forfeit by reason of that membership the public office or 21309
employment held when appointed to the board, notwithstanding any 21310
contrary disqualification or forfeiture requirement under the 21311
Revised Code or the common law of this state. 21312

Sec. 3311.87. The department of education and workforce, 21313
in conjunction with the municipal school district transformation 21314
alliance established under section 3311.86 of the Revised Code, 21315
if such an alliance is established under that section, and a 21316
statewide nonprofit organization whose membership is comprised 21317
solely of entities that sponsor community schools and whose 21318
members sponsor the majority of start-up community schools in 21319
the state, shall do all of the following: 21320

(A) Not later than December 31, 2012, establish both of 21321
the following: 21322

(1) Objective criteria to be used by a sponsor to 21323
determine if it will sponsor new community schools located 21324
within the municipal school district. Beginning with any 21325
community school that opens after July 1, 2013, each sponsor 21326
shall use the criteria established under this division to 21327
determine whether to sponsor a community school in the municipal 21328
district. 21329

(2) Criteria for assessing the ability of a sponsor to 21330
successfully sponsor a community school in a municipal school 21331
district. 21332

The criteria adopted under divisions (A)(1) and (2) of 21333
this section shall be based on standards issued by the national 21334
association of charter school authorizers or any other 21335
nationally organized community or charter school organization. 21336

(B) Not later than April 30, 2013, establish a 21337
comprehensive framework to assess the efficacy of district 21338
schools and community schools located in the municipal school 21339
district. Where possible, the framework shall be based on 21340
nationally accepted quality standards and principles for schools 21341

and shall be specific to a school's model, mission, and student 21342
populations. 21343

Sec. 3312.01. (A) The educational regional service system 21344
is hereby established. The system shall support state and 21345
regional education initiatives and efforts to improve school 21346
effectiveness and student achievement. Services, including 21347
special education and related services, shall be provided under 21348
the system to school districts, community schools established 21349
under Chapter 3314. of the Revised Code, and chartered nonpublic 21350
schools. 21351

It is the intent of the general assembly that the 21352
educational regional service system reduce the unnecessary 21353
duplication of programs and services and provide for a more 21354
streamlined and efficient delivery of educational services 21355
without reducing the availability of the services needed by 21356
school districts and schools. 21357

(B) The educational regional service system shall consist 21358
of the following: 21359

(1) The advisory councils and subcommittees established 21360
under sections 3312.03 and 3312.05 of the Revised Code; 21361

(2) A fiscal agent for each of the regions as configured 21362
under section 3312.02 of the Revised Code; 21363

(3) Educational service centers, information technology 21364
centers established under section 3301.075 of the Revised Code, 21365
and other regional education service providers. 21366

(C) Educational service centers shall provide the services 21367
that they are specifically required to provide by the Revised 21368
Code and may enter into agreements pursuant to section 3313.843, 21369
3313.844, or 3313.845 of the Revised Code for the provision of 21370

other services, which may include any of the following:	21371
(1) Assistance in improving student performance;	21372
(2) Services to enable a school district or school to operate more efficiently or economically;	21373 21374
(3) Professional development for teachers or administrators;	21375 21376
(4) Assistance in the recruitment and retention of teachers and administrators;	21377 21378
(5) Applying for any state or federal grant on behalf of a school district;	21379 21380
(6) Any other educational, administrative, or operational services.	21381 21382
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 service centers by the general assembly or the department of education <u>and workforce</u> .	21383 21384 21385 21386 21387 21388
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	21389 21390 21391 21392
(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.	21393 21394 21395 21396
(E) Information technology centers may enter into	21397

agreements for the provision of services pursuant to section 21398
3312.10 of the Revised Code. 21399

(F) No school district, community school, or chartered 21400
nonpublic school shall be required to purchase services from an 21401
educational service center or information technology center in 21402
the region in which the district or school is located, except 21403
that a local school district shall receive any services required 21404
by the Revised Code to be provided by an educational service 21405
center to the local school districts in its territory from the 21406
educational service center in whose territory the district is 21407
located. 21408

Sec. 3312.02. (A) There shall be the following sixteen 21409
regions in the educational regional service system: 21410

(1) Region one shall consist of the territory contained in 21411
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 21412
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 21413

(2) Region two shall consist of the territory contained in 21414
Erie, Huron, and Lorain counties. 21415

(3) Region three shall consist of the territory contained 21416
in Cuyahoga county. 21417

(4) Region four shall consist of the territory contained 21418
in Geauga and Lake counties. 21419

(5) Region five shall consist of the territory contained 21420
in Ashtabula, Mahoning, and Trumbull counties. 21421

(6) Region six shall consist of the territory contained in 21422
Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby 21423
counties. 21424

(7) Region seven shall consist of the territory contained 21425

in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties.	21426 21427
(8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties.	21428 21429
(9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties.	21430 21431
(10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties.	21432 21433
(11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties.	21434 21435 21436
(12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties.	21437 21438 21439
(13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties.	21440 21441
(14) Region fourteen shall consist of the territory contained in Adams, Brown, Clinton, Fayette, and Highland counties.	21442 21443 21444
(15) Region fifteen shall consist of the territory contained in Lawrence, Pike, Ross, and Scioto counties.	21445 21446
(16) Region sixteen shall consist of the territory contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington counties.	21447 21448 21449
(B) Not later than July 1, 2007, the state board <u>The</u> <u>department of education and workforce</u> shall adopt rules establishing a process whereby a school district may elect to	21450 21451 21452

transfer to a region other than the region to which the district 21453
is assigned by this section. The ~~state board~~ department shall 21454
consult with school districts and regional service providers in 21455
developing the process. No school district shall be permitted to 21456
transfer to a different region under this division after June 21457
30, 2009. 21458

Sec. 3312.04. The advisory council of each region of the 21459
educational regional service system shall do all of the 21460
following: 21461

(A) Identify regional needs and priorities for educational 21462
services to inform the department of education and workforce in 21463
the development of the performance contracts entered into by the 21464
fiscal agent of the region under section 3312.08 of the Revised 21465
Code; 21466

(B) Develop policies to coordinate the delivery of 21467
services to school districts, community schools, and chartered 21468
nonpublic schools in a manner that responds to regional needs 21469
and priorities. Such policies shall not supersede any 21470
requirement of a performance contract entered into by the fiscal 21471
agent of the region under section 3312.08 of the Revised Code. 21472

(C) Make recommendations to the fiscal agent for the 21473
region regarding the expenditure of funds available to the 21474
region for implementation of state and regional education 21475
initiatives and school improvement efforts; 21476

(D) Monitor implementation of state and regional education 21477
initiatives and school improvement efforts by educational 21478
service centers, information technology centers, and other 21479
regional service providers to ensure that the terms of the 21480
performance contracts entered into by the fiscal agent for the 21481

region under section 3312.08 of the Revised Code are being met; 21482

(E) Establish an accountability system to evaluate the 21483
advisory council on its performance of the duties described in 21484
divisions (A) to (D) of this section. 21485

Sec. 3312.07. (A) ~~Not later than January 31, 2007, the~~ The 21486
department of education and workforce shall select a school 21487
district or educational service center in each region of the 21488
educational regional service system to be the fiscal agent for 21489
the region. For this purpose, the department shall issue a 21490
request for proposals from districts and service centers 21491
interested in being a fiscal agent. The department shall select 21492
each fiscal agent based upon the following criteria: 21493

(1) Capability to serve as a fiscal agent as demonstrated 21494
by a satisfactory audit record and prior experience serving as a 21495
fiscal agent; 21496

(2) Adequate capacity in terms of facilities, personnel, 21497
and other relevant resources; 21498

(3) Evidence that the school district's or educational 21499
service center's role as a fiscal agent would result in minimal 21500
disruption to its responsibilities as a district or service 21501
center; 21502

(4) Demonstrated intent to limit the aggregate fees for 21503
administering a performance contract entered into under section 21504
3312.08 of the Revised Code to not more than seven per cent of 21505
the value of the contract. 21506

(B) If no school district or educational service center in 21507
a region responds to the request for proposals issued by the 21508
department, the department shall select a district or service 21509
center in the region that meets the criteria in division (A) of 21510

this section to be the fiscal agent for the region. 21511

Sec. 3312.08. Each fiscal agent selected by the department 21512
of education and workforce pursuant to section 3312.07 of the 21513
Revised Code shall do all of the following: 21514

(A) Enter into performance contracts with the department 21515
in accordance with section 3312.09 of the Revised Code for the 21516
implementation of state and regional education initiatives and 21517
school improvement efforts; 21518

(B) Receive federal and state funds, including federal 21519
funds for the provision of special education and related 21520
services, as specified in the performance contracts, and 21521
disburse those funds as specified in the performance contracts 21522
to educational service centers, information technology centers, 21523
and other regional service providers. However, any funds owed to 21524
an educational service center in accordance with an agreement 21525
entered into under section 3313.843, 3313.844, or 3313.845 of 21526
the Revised Code shall be paid directly to the service center by 21527
the department and any operating funds appropriated for an 21528
information technology center shall be paid directly to the 21529
information technology center by the department pursuant to 21530
section 3301.075 of the Revised Code. 21531

(C) Implement any expenditure of funds recommended by the 21532
advisory council for the region pursuant to section 3312.04 of 21533
the Revised Code or required by the terms of any performance 21534
contract, unless there are insufficient funds available to the 21535
region to pay for the expenditure or the expenditure violates a 21536
provision of the Revised Code, a rule of the ~~state board of~~ 21537
~~education department~~ regarding such expenditure, or the terms of 21538
a performance contract; 21539

(D) Exercise fiscal oversight of the implementation of 21540
state and regional education initiatives and school improvement 21541
efforts. 21542

Sec. 3312.09. (A) Each performance contract entered into 21543
by the department of education and workforce and the fiscal 21544
agent of a region for implementation of a state or regional 21545
education initiative or school improvement effort shall include 21546
the following: 21547

(1) An explanation of how the regional needs and 21548
priorities for educational services have been identified by the 21549
advisory council of the region, the advisory council's 21550
subcommittees, and the department; 21551

(2) A definition of the services to be provided to school 21552
districts, community schools, and chartered nonpublic schools in 21553
the region, including any services provided pursuant to division 21554
(A) of section 3302.04 of the Revised Code; 21555

(3) Expected outcomes from the provision of the services 21556
defined in the contract; 21557

(4) The method the department will use to evaluate whether 21558
the expected outcomes have been achieved; 21559

(5) A requirement that the fiscal agent develop and 21560
implement a corrective action plan if the results of the 21561
evaluation are unsatisfactory; 21562

(6) Data reporting requirements; 21563

(7) The aggregate fees to be charged by the fiscal agent 21564
and any entity with which it subcontracts to cover personnel and 21565
program costs associated with administering the contract, which 21566
fees shall be subject to controlling board approval if in excess 21567

of four per cent of the value of the contract. 21568

(B) Upon completion of each evaluation described in a 21569
performance contract, the department shall post the results of 21570
that evaluation on its web site. 21571

Sec. 3312.13. The department of education and workforce 21572
shall consider the following when entering into performance 21573
contracts with the fiscal agent of each region of the 21574
educational regional service system and when allocating funds 21575
for the implementation of statewide education initiatives by 21576
regional service providers; 21577

(A) The unique needs and circumstances of the region; 21578

(B) The regional needs and priorities for educational 21579
services identified by the advisory council for the region; 21580

(C) Any services that will be provided to school districts 21581
and schools within the region pursuant to division (A) of 21582
section 3302.04 of the Revised Code. 21583

Sec. 3313.03. Within three months after the official 21584
announcement of the result of each successive federal census, 21585
the board of education of each city school district which, 21586
according to such census, has a population of fifty thousand or 21587
more but less than one hundred fifty thousand persons and which 21588
elected to have subdistricts shall redistrict such districts 21589
into subdistricts. Such subdistricts shall be bounded as far as 21590
practicable by corporation lines, streets, alleys, avenues, 21591
public grounds, canals, watercourses, ward boundaries, voting 21592
precinct boundaries, or present school district boundaries, 21593
shall be as nearly equal in population as possible, and be 21594
composed of adjacent and as compact territory as practicable. If 21595
the board of any such district fails to district or redistrict 21596

such city school district, then the ~~superintendent of public~~ 21597
~~instruction director of education and workforce~~ shall forthwith 21598
district or redistrict such city school district, subject to 21599
sections 3313.01 to 3313.13, ~~inclusive,~~ of the Revised Code. 21600

Sec. 3313.25. (A) Except as otherwise provided in section 21601
3.061 of the Revised Code, before entering upon the duties of 21602
office, the treasurer of each board of education shall execute a 21603
bond, in an amount and with surety to be approved by the board, 21604
payable to the state, conditioned for the faithful performance 21605
of all the official duties required of the treasurer. Such bond 21606
must be deposited with the president of the board, and a copy 21607
thereof, certified by the president, shall be filed with the 21608
county auditor. 21609

(B) (1) A treasurer shall not be held liable for a loss of 21610
public funds when the treasurer has performed all official 21611
duties required of the treasurer with reasonable care, but shall 21612
be liable only when a loss of public funds results from the 21613
treasurer's negligence or other wrongful act. 21614

(2) The department of education and workforce shall not 21615
consider the loss of public funds not resulting from the 21616
treasurer's negligence or other wrongful act a violation of the 21617
treasurer's professional duties, provided the treasurer has 21618
performed all official duties required of the treasurer with 21619
reasonable care. 21620

Sec. 3313.30. (A) If the auditor of state or a public 21621
accountant, under section 117.41 of the Revised Code, declares a 21622
school district to be unauditabile, the auditor of state shall 21623
provide written notification of that declaration to the district 21624
and the department of education and workforce. The auditor of 21625
state also shall post the notification on the auditor of state's 21626

web site. 21627

(B) If the district's current treasurer held that position 21628
during the period for which the district is unauditabile, upon 21629
receipt of the notification under division (A) of this section, 21630
the district board of education shall suspend the treasurer 21631
until the auditor of state or a public accountant has completed 21632
an audit of the district. Suspension of the treasurer may be 21633
with or without pay, as determined by the district board based 21634
on the circumstances that prompted the auditor of state's 21635
declaration. The district board shall appoint a person to assume 21636
the duties of the treasurer during the period of the suspension. 21637
If the appointee is not licensed as a treasurer under section 21638
3301.074 of the Revised Code, the appointee shall be approved by 21639
the ~~superintendent of public instruction~~ director of education 21640
and workforce before assuming the duties of the treasurer. The 21641
state board of education may take action under section 3319.31 21642
of the Revised Code to suspend, revoke, or limit the license of 21643
a treasurer who has been suspended under this division. 21644

(C) Not later than forty-five days after receiving the 21645
notification under division (A) of this section, the district 21646
board shall provide a written response to the auditor of state. 21647
The response shall include the following: 21648

(1) An overview of the process the district board will use 21649
to review and understand the circumstances that led to the 21650
district becoming unauditabile; 21651

(2) A plan for providing the auditor of state with the 21652
documentation necessary to complete an audit of the district and 21653
for ensuring that all financial documents are available in the 21654
future; 21655

(3) The actions the district board will take to ensure 21656
that the plan described in division (C) (2) of this section is 21657
implemented. 21658

(D) If the school district fails to make reasonable 21659
efforts and continuing progress to bring its accounts, records, 21660
files, or reports into an auditable condition within ninety days 21661
after being declared unauditable, the auditor of state, in 21662
addition to requesting legal action under sections 117.41 and 21663
117.42 of the Revised Code, shall notify the district and the 21664
department of the district's failure. If the auditor of state or 21665
a public accountant subsequently is able to complete a financial 21666
audit of the district, the auditor of state shall notify the 21667
district and the department that the audit has been completed. 21668

(E) Notwithstanding any provision to the contrary in 21669
Chapter 3317. of the Revised Code or in any other provision of 21670
law, upon notification by the auditor of state under division 21671
(D) of this section that the district has failed to make 21672
reasonable efforts and continuing progress to bring its 21673
accounts, records, files, or reports into an auditable 21674
condition, the department shall immediately cease all payments 21675
to the district under Chapter 3317. of the Revised Code and any 21676
other provision of law. Upon subsequent notification from the 21677
auditor of state under that division that the auditor of state 21678
or a public accountant was able to complete a financial audit of 21679
the district, the department shall release all funds withheld 21680
from the district under this section. 21681

Sec. 3313.413. (A) As used in this section, "high- 21682
performing community school" means either of the following: 21683

(1) A community school established under Chapter 3314. of 21684
the Revised Code that meets the following conditions: 21685

- (a) Except as provided in division (A) (1) (b) or (c) of this section, the school both: 21686
21687
- (i) Has received either a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or a performance rating of three stars or higher for achievement under division (D) (3) (b) of that section; or has increased its performance index score under division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and 21688
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- (ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D) (3) (c) of that section on its most recent report card rating issued under that section. 21696
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- (b) If the school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten 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. 21702
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- (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. 21709
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- (2) A newly established community school that is 21714

implementing a community school model that has a track record of 21715
high-quality academic performance, as determined by the 21716
department of education and workforce. 21717

(B) When a school district board of education decides to 21718
dispose of real property it owns in its corporate capacity under 21719
section 3313.41 of the Revised Code, the board shall first offer 21720
that property to the governing authorities of all start-up 21721
community schools, the boards of trustees of any college- 21722
preparatory boarding schools, and the governing bodies of any 21723
STEM schools that are located within the territory of the 21724
district. Not later than sixty days after the district board 21725
makes the offer, interested governing authorities, boards of 21726
trustees, and governing bodies shall notify the district 21727
treasurer in writing of the intention to purchase the property. 21728

The district board shall give priority to the governing 21729
authorities of high-performing community schools that are 21730
located within the territory of the district. 21731

(1) If more than one governing authority of a high- 21732
performing community school notifies the district treasurer of 21733
its intention to purchase the property pursuant to division (B) 21734
of this section, the board shall conduct a public auction in the 21735
manner required for auctions of district property under division 21736
(A) of section 3313.41 of the Revised Code. Only the governing 21737
authorities of high-performing community schools that notified 21738
the district treasurer pursuant to division (B) of this section 21739
are eligible to bid at the auction. 21740

(2) If no governing authority of a high-performing 21741
community school notifies the district treasurer of its 21742
intention to purchase the property pursuant to division (B) of 21743
this section, the board shall then proceed with the offers from 21744

all other start-up community schools, college-preparatory 21745
boarding schools, and STEM schools made pursuant to that 21746
division. If more than one such entity notifies the district 21747
treasurer of its intention to purchase the property pursuant to 21748
division (B) of this section, the board shall conduct a public 21749
auction in the manner required for auctions of district property 21750
under division (A) of section 3313.41 of the Revised Code. Only 21751
the entities that notified the district treasurer pursuant to 21752
division (B) of this section are eligible to bid at the auction. 21753

(3) If no governing authority, board of trustees, or 21754
governing body notifies the district treasurer of its intention 21755
to purchase the property pursuant to division (B) of this 21756
section, the district may then offer the property for sale in 21757
the manner prescribed under divisions (A) to (F) of section 21758
3313.41 of the Revised Code. 21759

(C) Notwithstanding anything to the contrary in sections 21760
3313.41 and 3313.411 of the Revised Code, the purchase price of 21761
any real property sold to any of the entities in accordance with 21762
division (B) of this section shall not be more than the 21763
appraised fair market value of that property as determined in an 21764
appraisal of the property that is not more than one year old. 21765

(D) Not later than the first day of October of each year, 21766
the department of education and workforce shall post in a 21767
prominent location on its web site a list of schools that 21768
qualify as high-performing community schools for purposes of 21769
this section and section 3313.411 of the Revised Code. 21770

Sec. 3313.472. (A) The board of education of each city, 21771
exempted village, local, and joint vocational school district 21772
shall adopt a policy on parental involvement in the schools of 21773
the district. The policy shall be designed to build consistent 21774

and effective communication between the parents and foster 21775
caregivers of students enrolled in the district and the teachers 21776
and administrators assigned to the schools their children or 21777
foster children attend. The policy shall provide the opportunity 21778
for parents and foster caregivers to be actively involved in 21779
their children's or foster children's education and to be 21780
informed of the following: 21781

(1) The importance of the involvement of parents and 21782
foster caregivers in directly affecting the success of their 21783
children's or foster children's educational efforts; 21784

(2) How and when to assist their children or foster 21785
children in and support their children's or foster children's 21786
classroom learning activities; 21787

(3) Techniques, strategies, and skills to use at home to 21788
improve their children's or foster children's academic success 21789
and to support their children's or foster children's academic 21790
efforts at school and their children's or foster children's 21791
development as future responsible adult members of society. 21792

(B) The ~~state board~~ department of education and workforce 21793
shall adopt recommendations for the development of parental 21794
involvement policies under this section. Prior to adopting the 21795
recommendations, the ~~state board~~ department shall consult with 21796
the national center for parents at the university of Toledo. 21797

Sec. 3313.48. (A) The board of education of each city, 21798
exempted village, local, and joint vocational school district 21799
shall provide for the free education of the youth of school age 21800
within the district under its jurisdiction, at such places as 21801
will be most convenient for the attendance of the largest number 21802
thereof. Each school so provided and each chartered nonpublic 21803

school shall be open for instruction with pupils in attendance, 21804
including scheduled classes, supervised activities, and approved 21805
education options but excluding lunch and breakfast periods and 21806
extracurricular activities, for not less than four hundred 21807
fifty-five hours in the case of pupils in kindergarten unless 21808
such pupils are provided all-day kindergarten, as defined in 21809
section 3321.05 of the Revised Code, in which case the pupils 21810
shall be in attendance for nine hundred ten hours; nine hundred 21811
ten hours in the case of pupils in grades one through six; and 21812
one thousand one hours in the case of pupils in grades seven 21813
through twelve in each school year, which may include all of the 21814
following: 21815

(1) Up to the equivalent of two school days per year 21816
during which pupils would otherwise be in attendance but are not 21817
required to attend for the purpose of individualized parent- 21818
teacher conferences and reporting periods; 21819

(2) Up to the equivalent of two school days per year 21820
during which pupils would otherwise be in attendance but are not 21821
required to attend for professional meetings of teachers; 21822

(3) Morning and afternoon recess periods of not more than 21823
fifteen minutes duration per period for pupils in grades 21824
kindergarten through six. 21825

(B) Not later than thirty days prior to adopting a school 21826
calendar, the board of education of each city, exempted village, 21827
and local school district shall hold a public hearing on the 21828
school calendar, addressing topics that include, but are not 21829
limited to, the total number of hours in a school year, length 21830
of school day, and beginning and end dates of instruction. 21831

(C) No school operated by a city, exempted village, local, 21832

or joint vocational school district shall reduce the number of 21833
hours in each school year that the school is scheduled to be 21834
open for instruction from the number of hours per year the 21835
school was open for instruction during the previous school year 21836
unless the reduction is approved by a resolution adopted by the 21837
district board of education. Any reduction so approved shall not 21838
result in fewer hours of instruction per school year than the 21839
applicable number of hours required under division (A) of this 21840
section. 21841

(D) Prior to making any change in the hours or days in 21842
which a high school under its jurisdiction is open for 21843
instruction, the board of education of each city, exempted 21844
village, and local school district shall consider the 21845
compatibility of the proposed change with the scheduling needs 21846
of any joint vocational school district in which any of the high 21847
school's students are also enrolled. The board shall consider 21848
the impact of the proposed change on student access to the 21849
instructional programs offered by the joint vocational school 21850
district, incentives for students to participate in career- 21851
technical education, transportation, and the timing of 21852
graduation. The board shall provide the joint vocational school 21853
district board with advance notice of the proposed change and 21854
the two boards shall enter into a written agreement prescribing 21855
reasonable accommodations to meet the scheduling needs of the 21856
joint vocational school district prior to implementation of the 21857
change. 21858

(E) Subject to section 3327.016 of the Revised Code, prior 21859
to making any change in the hours or days in which a school 21860
under its jurisdiction is open for instruction, the board of 21861
education of each city, exempted village, and local school 21862
district shall consider the compatibility of the proposed change 21863

with the scheduling needs of any community school established 21864
under Chapter 3314. of the Revised Code to which the district is 21865
required to transport students under sections 3314.09 and 21866
3327.01 of the Revised Code. The board shall consider the impact 21867
of the proposed change on student access to the instructional 21868
programs offered by the community school, transportation, and 21869
the timing of graduation. The board shall provide the sponsor, 21870
governing authority, and operator of the community school with 21871
advance notice of the proposed change, and the board and the 21872
governing authority, or operator if such authority is delegated 21873
to the operator, shall enter into a written agreement 21874
prescribing reasonable accommodations to meet the scheduling 21875
needs of the community school prior to implementation of the 21876
change. 21877

(F) Subject to section 3327.016 of the Revised Code, prior 21878
to making any change in the hours or days in which the schools 21879
under its jurisdiction are open for instruction, the board of 21880
education of each city, exempted village, and local school 21881
district shall consult with the chartered nonpublic schools to 21882
which the district is required to transport students under 21883
section 3327.01 of the Revised Code and shall consider the 21884
effect of the proposed change on the schedule for transportation 21885
of those students to their nonpublic schools. The governing 21886
authority of a chartered nonpublic school shall consult with 21887
each school district board of education that transports students 21888
to the chartered nonpublic school under section 3327.01 of the 21889
Revised Code prior to making any change in the hours or days in 21890
which the nonpublic school is open for instruction. 21891

(G) The ~~state board~~ department of education and workforce 21892
shall not adopt or enforce any rule or standard that imposes on 21893
chartered nonpublic schools the procedural requirements imposed 21894

on school districts by divisions (B), (C), (D), and (E) of this section. 21895
21896

Sec. 3313.483. (A) A board of education, upon the adoption 21897
of a resolution stating that it may be financially unable to 21898
open on the day or to remain open for instruction on all days 21899
set forth in its adopted school calendar and pay all obligated 21900
expenses, or the ~~superintendent of public instruction~~ director 21901
of education and workforce upon the issuance of written 21902
notification under division (B) of section 3313.489 of the 21903
Revised Code, shall request the auditor of state to determine 21904
whether such situation exists. The auditor shall deliver a copy 21905
of each request from a board of education to the ~~superintendent~~ 21906
~~of public instruction~~ director. In the case of a school district 21907
not under a fiscal emergency pursuant to Chapter 3316. of the 21908
Revised Code the auditor shall not issue a finding under this 21909
section until written notification is received from the 21910
~~superintendent~~ director pursuant to section 3313.487 of the 21911
Revised Code. 21912

(B) If the auditor of state finds that the board of 21913
education has attempted to avail itself to the fullest extent 21914
authorized by law of all lawful revenue sources available to it 21915
except those authorized by section 5705.21 of the Revised Code, 21916
the auditor shall certify that finding to the ~~superintendent of~~ 21917
~~public instruction and the state board~~ department of education 21918
and workforce and shall certify the operating deficit the 21919
district will have at the end of the fiscal year if it commences 21920
or continues operating its instructional program in accordance 21921
with its adopted school calendar and pays all obligated 21922
expenses. 21923

(C) No board of education may delay the opening of its 21924

schools or close its schools for financial reasons. Upon the 21925
request of the ~~superintendent of public instruction~~director of 21926
education and workforce, the attorney general shall seek 21927
injunctive relief and any other relief required to enforce this 21928
prohibition in the court of common pleas of Franklin county. The 21929
court of common pleas of Franklin county has exclusive original 21930
jurisdiction over all such actions. 21931

(D) Upon the receipt of any certification of an operating 21932
deficit from the auditor of state, a board of education shall 21933
make application to a commercial bank, underwriter, or other 21934
prospective lender or purchaser of its obligations for a loan in 21935
an amount sufficient to enable the district to open or remain 21936
open for instruction on all days set forth in its adopted school 21937
calendar but not to exceed the amount of the deficit certified. 21938

(E) (1) Any board of education that has applied for and 21939
been denied a loan from a commercial bank, underwriter, or other 21940
prospective lender or purchaser of its obligations pursuant to 21941
division (D) of this section shall submit to the ~~superintendent~~ 21942
~~of public instruction~~director of education and workforce a plan 21943
for implementing reductions in the school district's budget; 21944
apply for a loan from a commercial bank, underwriter, or other 21945
prospective lender or purchaser of its obligations in an amount 21946
not to exceed its certified deficit; and provide the 21947
~~superintendent~~director such information as the ~~superintendent~~ 21948
director requires concerning its application for such a loan. 21949
The board of education of a school district declared to be under 21950
a fiscal watch pursuant to division (A) of section 3316.03 of 21951
the Revised Code may, upon approval of the 21952
~~superintendent~~director, utilize the financial plan required by 21953
section 3316.04 of the Revised Code, or applicable parts 21954
thereof, as the plan required under this division. The board of 21955

education of a school district declared to be under a fiscal 21956
emergency pursuant to division (B) of section 3316.03 of the 21957
Revised Code may utilize the financial recovery plan for the 21958
district, or applicable parts thereof, as the plan required 21959
under this division. Except for the plan of a school district 21960
under a fiscal emergency, the ~~superintendent~~director shall 21961
evaluate, make recommendations concerning, and approve or 21962
disapprove each plan. When a plan is submitted, the 21963
~~superintendent~~director shall immediately notify the members of 21964
the general assembly whose legislative districts include any or 21965
all of the territory of the school district submitting the plan. 21966

(2) The ~~superintendent~~director shall submit to the 21967
controlling board a copy of each plan the ~~superintendent~~director 21968
approves, or each plan submitted by a district under a 21969
fiscal emergency pursuant to division (B) of section 3316.03 of 21970
the Revised Code, and the general terms of each proposed loan, 21971
and shall make recommendations regarding the plan and whether a 21972
proposed loan to the board of education should be approved for 21973
payment as provided in division (E) (3) of this section. The 21974
controlling board shall approve or disapprove the plan and the 21975
proposed loan presented to it by the ~~superintendent~~director. In 21976
the case of a district not under a fiscal emergency pursuant to 21977
division (B) of section 3316.03 of the Revised Code, the 21978
controlling board may require a board of education to implement 21979
the ~~superintendent's~~director's recommendations for expenditure 21980
reductions or impose other requirements. Loan repayments shall 21981
be in accordance with a schedule approved by the 21982
~~superintendent~~director, except that the principal amount of the 21983
loan shall be payable in monthly, semiannual, or annual 21984
installments of principal and interest that are substantially 21985
equal principal and interest installments. Except as otherwise 21986

provided in division (E) (2) of this section, repayment shall be 21987
made no later than the fifteenth day of June of the second 21988
fiscal year following the approval of the loan. A school 21989
district with a certified deficit in excess of either twenty- 21990
five million dollars or fifteen per cent of the general fund 21991
expenditures of the district during the fiscal year shall repay 21992
the loan no later than the fifteenth day of June of the tenth 21993
fiscal year following the approval of the loan. In deciding 21994
whether to approve or disapprove a proposed loan, the 21995
controlling board shall consider the deficit certified by the 21996
auditor of state pursuant to this section. A board of education 21997
that has an outstanding loan approved pursuant to this section 21998
with a repayment date of more than two fiscal years after the 21999
date of approval of such loan may not apply for another loan 22000
with such a repayment date until the outstanding loan has been 22001
repaid. 22002

(3) If a board of education has submitted and received 22003
controlling board approval of a plan and proposed loan in 22004
accordance with this section, the ~~superintendent of public~~ 22005
~~instruction~~ director of education and workforce shall report to 22006
the controlling board the actual amounts loaned to the board of 22007
education. Such board of education shall request the 22008
~~superintendent~~ director to pay any funds the board of education 22009
would otherwise receive pursuant to Chapter 3306. of the Revised 22010
Code first directly to the holders of the board of education's 22011
notes, or an agent thereof, such amounts as are specified under 22012
the terms of the loan. Such payments shall be made only from and 22013
to the extent of money appropriated by the general assembly for 22014
purposes of such sections. No note or other obligation of the 22015
board of education under the loan constitutes an obligation nor 22016
a debt or a pledge of the faith, credit, or taxing power of the 22017

state, and the holder or owner of such note or obligation has no 22018
right to have taxes levied by the general assembly for the 22019
payment of such note or obligation, and such note or obligation 22020
shall contain a statement to that effect. 22021

(4) Pursuant to the terms of such a loan, a board of 22022
education may issue its notes in anticipation of the collection 22023
of its voted levies for current expenses or its receipt of such 22024
state funds or both. Such notes shall be issued in accordance 22025
with division (E) of section 133.10 of the Revised Code and 22026
constitute Chapter 133. securities to the extent such division 22027
and the otherwise applicable provisions of Chapter 133. of the 22028
Revised Code are not inconsistent with this section, provided 22029
that in any event sections 133.24 and 5705.21 and divisions (A), 22030
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 22031
not apply to such notes. 22032

(5) Notwithstanding section 133.36 or 3313.17, any other 22033
section of the Revised Code, or any other provision of law, a 22034
board of education that has received a loan under this section 22035
may not declare bankruptcy, so long as any portion of such loan 22036
remains unpaid. 22037

(F) Under this section and section 3313.4810, "board of 22038
education" or "district board" includes the financial planning 22039
and supervision commission of a school district under a fiscal 22040
emergency pursuant to Chapter 3316. of the Revised Code where 22041
such commission chooses to exercise the powers and duties 22042
otherwise required of the district board of education under this 22043
section and section 3313.4810 of the Revised Code. 22044

Sec. 3313.484. No loan shall be approved under sections 22045
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 22046

By the last day of June each year, the department of education and workforce shall calculate and pay a subsidy to every school district that during the current fiscal year paid and was obligated to pay interest on a loan under sections 3313.483 to 3313.4810 of the Revised Code in excess of two per cent simple interest. The amount of the subsidy shall equal the difference between the amount of interest the district paid and was obligated to pay during the year and the interest that the district would have been obligated to pay if the interest rate on the loan had been two per cent per year.

Sec. 3313.487. (A) Upon receipt of a copy of a request for a determination under section 3313.483 of the Revised Code or upon the issuance of written notification under division (B) of section 3313.489 of the Revised Code, the ~~superintendent of public instruction~~ department of education and workforce shall analyze the district's financial condition and ascertain what elements of the district's educational program exceed or fail to meet the minimum standards of the ~~state board~~ director of education and workforce and requirements set forth in the Revised Code, and what, if any, additional revenues or revenue sources may be available to the district that are not included in its official certificate or amended certificate of estimated resources. The ~~superintendent~~ director shall make a written report of the ~~superintendent's~~ director's findings to the school district's board of education, and the auditor of state, ~~and the state board of education~~. The report shall include any recommendations, including reductions in programs which exceed minimum standards of the ~~state board of education~~ director or requirements set forth in the Revised Code, that, if followed, would enable the district to reduce its expenses while operating an educational program that is responsive to the educational

needs of the school district in accordance with its adopted 22078
school calendar. The ~~superintendent~~director may determine that 22079
a responsive educational program requires the inclusion of 22080
elements exceeding the minimum standards of the ~~state board of~~
~~education~~director or requirements of the Revised Code. If, upon 22081
completion of the analysis and findings as provided in this 22082
division, the ~~superintendent~~director determines that the 22084
district will be financially unable to operate its educational 22085
program in accordance with its adopted school calendar and pay 22086
all obligated expenses, the ~~superintendent~~director shall notify 22087
the auditor of state in writing. Upon receipt of such 22088
notification, the auditor of state shall issue findings pursuant 22089
to section 3313.483 of the Revised Code. 22090

(B) Upon the receipt of the ~~superintendent of public~~
~~instruction's~~director of education and workforce's report under 22091
division (A) of this section or a certification from the auditor 22092
of state under section 3313.483 of the Revised Code, the ~~state~~
~~board of education~~director may, at any time during the next 22095
ninety days, issue an order making the school district subject 22096
to section 3313.488 of the Revised Code if it finds the school 22097
district is not able to operate an educational program from 22098
existing revenue sources during the current and the ensuing 22099
school year. Such order shall take immediate effect, and such 22100
section shall apply to the school district. ~~Prior to the~~
~~issuance of any order under this division, the state board of~~
~~education may request from the superintendent of public~~
~~instruction a recommendation regarding the matter of the~~
~~issuance of an order making a school district subject to section~~
~~3313.488 of the Revised Code.~~ A board of education may appeal 22106
the order on questions of fact to the court of common pleas of 22107
Franklin county. 22108

(C) Notwithstanding division (B) of this section, the ~~state board of education director~~ shall issue an order making a school district subject to section 3313.488 of the Revised Code if the district fails to enter into a loan agreement with a commercial lending institution within forty-five days of the deficit certification pursuant to section 3313.483 of the Revised Code. If the ~~state board director~~ issues an order under this division, the ~~superintendent of public instruction director~~ shall apply for a loan from a commercial lending institution pursuant to section 3313.483 of the Revised Code on behalf of the district. The ~~superintendent director~~ shall have full authority to act on behalf of the board of education of a school district with respect to the making of loan agreements, and any loan agreement made by the ~~superintendent director~~ shall be fully binding on the school district.

(D) 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. 3313.488. (A) Within fifteen days after the date the ~~state board director of education and workforce~~ issues an order under section 3313.487 of the Revised Code making a school district subject to this section, the district's board of education shall prepare a fiscal statement of expenses and expenditures for the remainder of the current fiscal year. The fiscal statement shall be submitted to the ~~superintendent of public instruction department of education and workforce~~ and shall set forth all revenues to be received by the district during the remainder of the fiscal year and their sources, the expenses to be incurred by the district during the remainder of the fiscal year, the outstanding and unpaid expenses at the time the fiscal statement is prepared and the date or dates by which

such expenses must be paid, and such other information as the 22140
~~superintendent-director~~ requires to enable the ~~superintendent-~~ 22141
department of education and workforce to ensure that during the 22142
remainder of the fiscal year, the district will not incur any 22143
expenses that will further impair its ability to operate an 22144
instructional program that meets or exceeds the minimum 22145
standards of the ~~state board of education~~director and 22146
requirements of the Revised Code during the current and ensuing 22147
fiscal years with the revenue available to it from existing 22148
revenue sources. The fiscal statement shall be presented in such 22149
detail and form as the ~~superintendent-department~~ prescribes. 22150
Beginning the tenth day after the fiscal statement is submitted 22151
and for the remainder of the fiscal year, the board shall not 22152
make any expenditure of money, make any employment, purchase, or 22153
rental contract, give any order involving the expenditure of 22154
money, or increase any wage or salary schedule unless the 22155
~~superintendent of public instruction~~director has approved the 22156
fiscal statement in writing and the expenditure, contract, 22157
order, or schedule has been approved in writing by the 22158
~~superintendent-director~~ as being in conformity with the fiscal 22159
statement. 22160

Any contract or expenditure made, order given, or schedule 22161
adopted or put into effect without the written approval of the 22162
~~superintendent of public instruction~~director is void, and no 22163
warrant shall be issued in payment of any amount due thereon. 22164

(B) A board of education subject to division (A) of this 22165
section shall prepare a fiscal statement of expenses and 22166
expenditures for the ensuing fiscal year. The fiscal statement 22167
shall be submitted to the ~~superintendent of public instruction-~~ 22168
director and shall set forth all revenues to be received by the 22169
district during such year and their source, the expenses to be 22170

incurred by the district during such year, the outstanding and 22171
unpaid expenses on the first day of such fiscal year, the date 22172
or dates by which such expenses must be paid, and such other 22173
information as the ~~superintendent~~ department requires to enable 22174
the ~~superintendent~~ department to ensure that during such year, 22175
the district will not incur any expenses that will further 22176
impair its ability to operate an instructional program that 22177
meets or exceeds the minimum standards of the ~~state board of~~ 22178
~~education~~ director and requirements of the Revised Code during 22179
such year with the revenue available to it from existing revenue 22180
sources. The fiscal statement shall be presented at the time and 22181
in such detail and form as the ~~superintendent~~ department 22182
prescribes. During the fiscal year following the year in which a 22183
board of education first becomes subject to division (A) of this 22184
section it shall not make any expenditure of money, make any 22185
employment, purchase, or rental contract, give any order 22186
involving the expenditure of money, or increase any wage or 22187
salary schedule unless the ~~superintendent of public instruction~~ 22188
director has approved the fiscal statement submitted under this 22189
division in writing and has approved the expenditure, contract, 22190
order, or schedule in writing as being in conformity with the 22191
fiscal statement. 22192

Any contract or expenditure made, order given, or schedule 22193
adopted or put into effect without the written approval of the 22194
~~superintendent of public instruction~~ director is void, and no 22195
warrant shall be issued in payment of any amount due thereon. 22196

(C) The ~~state board of education~~ department shall examine 22197
any fiscal statement presented to and approved by ~~the~~ 22198
~~superintendent of public instruction~~ it under division (B) of 22199
this section and shall determine whether the data set forth in 22200
the fiscal statement are factual and based upon assumptions that 22201

in its judgment are reasonable expectations consistent with 22202
acceptable governmental budget and accounting practices. If the 22203
~~state board department~~ so determines and finds that the revenues 22204
and expenditures in the fiscal statement are in balance for the 22205
fiscal year and the fiscal statement will enable the district to 22206
operate during such year without interrupting its school 22207
calendar, it shall certify its determination and finding to the 22208
district at least thirty days prior to the beginning of the 22209
fiscal year, and the district shall thereupon cease to be 22210
subject to this section. If the ~~state board department~~ does not 22211
make such a determination and finding, the board of education 22212
and school district are subject to this division and division 22213
(B) of this section in the ensuing fiscal year and each fiscal 22214
year thereafter until the ~~state board department~~ makes a 22215
determination, finding, and certification under this division. 22216

(D) Any officer, employee, or other person who knowingly 22217
expends or authorizes the expenditure of any public funds or 22218
knowingly authorizes or executes any contract, order, or 22219
schedule contrary to division (A) or (B) of this section or who 22220
knowingly expends or authorizes the expenditure of any public 22221
funds on any such void contract, order, or schedule is jointly 22222
and severally liable in person and upon any official bond that 22223
the officer, employee, or other person has given to such school 22224
district to the extent of any payments on the void claim, not to 22225
exceed twenty thousand dollars. The attorney general at the 22226
written request of the ~~superintendent of public instruction~~ 22227
~~department~~ shall enforce this liability by civil action brought 22228
in any court of appropriate jurisdiction in the name of and on 22229
behalf of the school district. 22230

(E) This section does not apply to a school district 22231
declared to be under a fiscal emergency pursuant to division (B) 22232

of section 3316.03 of the Revised Code. 22233

Sec. 3313.489. (A) The ~~superintendent of public~~ 22234
~~instruction~~ director of education and workforce shall examine 22235
each five-year projection of revenues and expenditures submitted 22236
under section 5705.391 of the Revised Code and shall determine 22237
whether the information contained therein, together with any 22238
other relevant information, indicates that the district may be 22239
financially unable to operate its instructional program on all 22240
days set forth in its adopted school calendars and pay all 22241
obligated expenses during the current fiscal year. If a board of 22242
education has not adopted a school calendar for the school year 22243
beginning on the first day of July of the current fiscal year at 22244
the time an examination is required under this division, the 22245
~~superintendent~~ director shall examine the five-year projection 22246
and determine whether the district may be financially unable to 22247
pay all obligated expenses and operate its instructional program 22248
for the number of days on which instruction was held in the 22249
preceding fiscal year. 22250

(B) If the ~~superintendent of public instruction~~ director 22251
of education and workforce determines pursuant to division (A) 22252
of this section that a school district may be financially unable 22253
to operate its instructional program on all days required by 22254
such division and pay all obligated expenses during the current 22255
fiscal year, the ~~superintendent~~ director shall provide written 22256
notification of such determination to the president of the 22257
district's board of education and the auditor of state. 22258

(C) This section does not apply to a school district 22259
declared to be under a fiscal emergency pursuant to division (B) 22260
of section 3316.03 of the Revised Code. 22261

Sec. 3313.4810. Any school district receiving a loan under 22262

section 3313.483 of the Revised Code in excess of seven per cent 22263
of the general fund expenditures of the district during the 22264
fiscal year in which the loan is received and that has received 22265
a loan under that section within the last five years is subject 22266
to section 3313.488 of the Revised Code for the duration of the 22267
fiscal year in which the district receives the loan and during 22268
the ensuing two fiscal years. The controlling board may not 22269
relieve a school district to which this section applies from any 22270
requirements imposed under section 3313.483 of the Revised Code 22271
to implement recommendations of the ~~superintendent of public~~ 22272
~~instruction~~ director of education and workforce for expenditure 22273
reduction and may not modify any other requirements imposed 22274
under such section upon such a district as a condition for 22275
receiving the loan unless expressly authorized to do so by law. 22276
The ~~superintendent of public instruction~~ director shall, among 22277
any recommendations the ~~superintendent~~ director makes for 22278
expenditure reduction under section 3313.483 of the Revised Code 22279
affecting the number of employees of a school district to which 22280
this section applies, provide wherever possible for the 22281
retention of teachers who are actually involved in the daily 22282
teaching of students in the classroom. 22283

Sec. 3313.531. (A) As used in this section, "adult high 22284
school continuation programs" means an organized instructional 22285
program for persons sixteen years of age and older, except as 22286
provided in division (C) of this section, who are not otherwise 22287
enrolled in a high school for which the ~~state board~~ director of 22288
education and workforce sets standards pursuant to section 22289
3301.07 of the Revised Code. Such programs are limited to 22290
courses for which credit may be granted toward the issuance of a 22291
high school diploma. 22292

(B) The board of education of any school district may 22293

establish and operate an adult high school continuation program. 22294
Two or more boards of education may jointly establish and 22295
operate such a program. The resolution establishing an adult 22296
high school continuation program may specify the contribution 22297
and expenditure of funds, the use of buildings, equipment, and 22298
other school facilities, and such other matters as the board 22299
wishes to include. In the case of a jointly operated program, 22300
the resolutions establishing such program shall also designate 22301
one of the participating boards to be responsible for receiving 22302
and disbursing funds, and administering the program for the 22303
benefit of all participating boards of education. 22304

(C) A board of education that operates an adult high 22305
school continuation program alone or jointly with another board 22306
may, by resolution, authorize the district's superintendent to 22307
assign to such program in accordance with this section, any 22308
student who has not received a high school diploma, who is at 22309
least eighteen years old, and who is being readmitted to school 22310
following expulsion or commitment to the department of youth 22311
services. Before making any such assignment, the superintendent 22312
or ~~his~~ the superintendent's designee shall meet with the student 22313
to determine whether ~~he~~ the student should be so assigned, and 22314
shall prepare a report on ~~his~~ the superintendent's or designee's 22315
findings and determination. If based on ~~his~~ the meeting or ~~his~~ 22316
~~the~~ the designee's report the superintendent finds that the pupil 22317
should be placed in a program under this section, the 22318
superintendent shall make the assignment. Once assigned to the 22319
program, the student shall remain in it until ~~he~~ the student is 22320
reassigned by the superintendent or leaves school. At least once 22321
in each academic term, the superintendent or ~~his~~ the 22322
superintendent's designee shall review the progress of each 22323
student assigned to the program under this division and the 22324

superintendent shall, based on the review, make a determination 22325
of whether the student should remain in the program or be 22326
reassigned. Tuition shall not be charged for the attendance of 22327
any student assigned to a program pursuant to this division who 22328
is entitled under section 3313.64 of the Revised Code to attend 22329
the schools of the district without payment of tuition. 22330

(D) The ~~state board department~~ of education and workforce 22331
shall adopt rules and standards governing the operations of 22332
adult high school continuation programs. Any school district or 22333
combination of districts operating such a program in accordance 22334
with the rules and standards of the ~~state board of education~~ 22335
department may ~~receive from the state board of education,~~ with 22336
the approval of the ~~superintendent of public instruction,~~ 22337
department, receive reimbursement from the department in an 22338
amount not to exceed ten dollars per instructional hour. 22339

Sec. 3313.532. (A) Any person twenty-two or more years of 22340
age and enrolled in an adult high school continuation program 22341
established pursuant to section 3313.531 of the Revised Code may 22342
request the board of education operating the program to conduct 22343
an evaluation in accordance with division (C) of this section. 22344

(B) Any applicant to a board of education for a diploma of 22345
adult education under division (B) of section 3313.611 of the 22346
Revised Code may request the board to conduct an evaluation in 22347
accordance with division (C) of this section. 22348

(C) Upon the request of any person pursuant to division 22349
(A) or (B) of this section, the board of education to which the 22350
request is made shall evaluate the person to determine whether 22351
the person is disabled, in accordance with rules adopted by the 22352
~~state board department~~ of education and workforce. If the 22353
evaluation indicates that the person is disabled, the board 22354

shall determine whether to excuse the person from taking any of 22355
the assessments required by section 3313.618 of the Revised Code 22356
as a requirement for receiving a diploma under section 3313.611 22357
of the Revised Code. The board may require the person to take an 22358
alternate assessment in place of any test from which the person 22359
is so excused. 22360

Sec. 3313.533. (A) The board of education of a city, 22361
exempted village, or local school district may adopt a 22362
resolution to establish and maintain an alternative school in 22363
accordance with this section. The resolution shall specify, but 22364
not necessarily be limited to, all of the following: 22365

(1) The purpose of the school, which purpose shall be to 22366
serve students who are on suspension, who are having truancy 22367
problems, who are experiencing academic failure, who have a 22368
history of class disruption, who are exhibiting other academic 22369
or behavioral problems specified in the resolution, or who have 22370
been discharged or released from the custody of the department 22371
of youth services under section 5139.51 of the Revised Code; 22372

(2) The grades served by the school, which may include any 22373
of grades kindergarten through twelve; 22374

(3) A requirement that the school be operated in 22375
accordance with this section. The board of education adopting 22376
the resolution under division (A) of this section shall be the 22377
governing board of the alternative school. The board shall 22378
develop and implement a plan for the school in accordance with 22379
the resolution establishing the school and in accordance with 22380
this section. Each plan shall include, but not necessarily be 22381
limited to, all of the following: 22382

(a) Specification of the reasons for which students will 22383

be accepted for assignment to the school and any criteria for 22384
admission that are to be used by the board to approve or 22385
disapprove the assignment of students to the school; 22386

(b) Specification of the criteria and procedures that will 22387
be used for returning students who have been assigned to the 22388
school back to the regular education program of the district; 22389

(c) An evaluation plan for assessing the effectiveness of 22390
the school and its educational program and reporting the results 22391
of the evaluation to the public. 22392

(B) Notwithstanding any provision of Title XXXVIII of the 22393
Revised Code to the contrary, the alternative school plan may 22394
include any of the following: 22395

(1) A requirement that on each school day students must 22396
attend school or participate in other programs specified in the 22397
plan or by the chief administrative officer of the school for a 22398
period equal to the minimum school day set by the board of 22399
education under section 3313.48 of the Revised Code plus any 22400
additional time required in the plan or by the chief 22401
administrative officer; 22402

(2) Restrictions on student participation in 22403
extracurricular or interscholastic activities; 22404

(3) A requirement that students wear uniforms prescribed 22405
by the district board of education. 22406

(C) In accordance with the alternative school plan, the 22407
district board of education may employ teachers and nonteaching 22408
employees necessary to carry out its duties and fulfill its 22409
responsibilities or may contract with a nonprofit or for profit 22410
entity to operate the alternative school, including the 22411
provision of personnel, supplies, equipment, or facilities. 22412

(D) An alternative school may be established in all or 22413
part of a school building. 22414

(E) If a district board of education elects under this 22415
section, or is required by section 3313.534 of the Revised Code, 22416
to establish an alternative school, the district board may join 22417
with the board of education of one or more other districts to 22418
form a joint alternative school by forming a cooperative 22419
education school district under section 3311.52 or 3311.521 of 22420
the Revised Code, or a joint educational program under section 22421
3313.842 of the Revised Code. The authority to employ personnel 22422
or to contract with a nonprofit or for profit entity under 22423
division (C) of this section applies to any alternative school 22424
program established under this division. 22425

(F) Any individual employed as a teacher at an alternative 22426
school operated by a nonprofit or for profit entity under this 22427
section shall be licensed and shall be subject to background 22428
checks, as described in section 3319.39 of the Revised Code, in 22429
the same manner as an individual employed by a school district. 22430

(G) Division (G) of this section applies only to any 22431
alternative school that is operated by a nonprofit or for profit 22432
entity under contract with the school district. 22433

(1) In addition to the specifications authorized under 22434
division (B) of this section, any plan adopted under that 22435
division for an alternative school to which division (G) of this 22436
section also applies shall include the following: 22437

(a) A description of the educational program provided at 22438
the alternative school, which shall include: 22439

(i) Provisions for the school to be configured in clusters 22440
or small learning communities; 22441

(ii) Provisions for the incorporation of education technology into the curriculum;	22442 22443
(iii) Provisions for accelerated learning programs in reading and mathematics.	22444 22445
(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.	22446 22447 22448 22449 22450 22451
(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;	22452 22453 22454 22455
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	22456 22457
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	22458 22459 22460 22461 22462
(2) Notwithstanding division (A) (2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	22463 22464 22465
(3) Notwithstanding anything in division (A) (3) (a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	22466 22467 22468 22469 22470

(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.

(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:

(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;

(b) Instructions regarding communications, including at least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed;

(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;

(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;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into 22500
the request for proposals, provided that the request for 22501
proposals specifies where such documents may be obtained and 22502
that such documents are readily available to all interested 22503
parties. 22504

(2) After the date specified for receiving proposals, the 22505
board shall evaluate the submitted proposals and may hold 22506
discussions with any respondent to ensure a complete 22507
understanding of the proposal and the qualifications of such 22508
respondent to execute the proposed contract. Such qualifications 22509
shall include, but are not limited to, all of the following: 22510

(a) Demonstrated competence in performance of the required 22511
services as indicated by effective implementation of educational 22512
programs in reading and mathematics and at least three years of 22513
experience successfully serving a student population similar to 22514
the student population assigned to the alternative school; 22515

(b) Demonstrated performance in the areas of cost 22516
containment, the provision of educational services of a high 22517
quality, and any other areas determined by the board; 22518

(c) Whether the respondent has the resources to undertake 22519
the operation of the alternative school and to provide qualified 22520
personnel to staff the school; 22521

(d) Financial responsibility. 22522

(3) The board shall select for further review at least 22523
three proposals from respondents the board considers qualified 22524
to operate the alternative school in the best interests of the 22525
students and the district. If fewer than three proposals are 22526
submitted, the board shall select each proposal submitted. The 22527
board may cancel a request for proposals or reject all proposals 22528

at any time prior to the execution of a contract. 22529

The board may hold discussions with any of the three 22530
selected respondents to clarify or revise the provisions of a 22531
proposal or the proposed contract to ensure complete 22532
understanding between the board and the respondent of the terms 22533
under which a contract will be entered. Respondents shall be 22534
accorded fair and equal treatment with respect to any 22535
opportunity for discussion regarding clarifications or 22536
revisions. The board may terminate or discontinue any further 22537
discussion with a respondent upon written notice. 22538

(4) Upon further review of the three proposals selected by 22539
the board, the board shall award a contract to the respondent 22540
the board considers to have the most merit, taking into 22541
consideration the scope, complexity, and nature of the services 22542
to be performed by the respondent under the contract. 22543

(5) Except as provided in division (H) (6) of this section, 22544
the request for proposals, submitted proposals, and related 22545
documents shall become public records under section 149.43 of 22546
the Revised Code after the award of the contract. 22547

(6) Any respondent may request in writing that the board 22548
not disclose confidential or proprietary information or trade 22549
secrets contained in the proposal submitted by the respondent to 22550
the board. Any such request shall be accompanied by an offer of 22551
indemnification from the respondent to the board. The board 22552
shall determine whether to agree to the request and shall inform 22553
the respondent in writing of its decision. If the board agrees 22554
to nondisclosure of specified information in a proposal, such 22555
information shall not become a public record under section 22556
149.43 of the Revised Code. If the respondent withdraws its 22557
proposal at any time prior to the execution of a contract, the 22558

proposal shall not be a public record under section 149.43 of 22559
the Revised Code. 22560

(I) Upon a recommendation from the department and in 22561
accordance with section 3301.16 of the Revised Code, the ~~state-~~ 22562
~~board-director~~ of education and workforce may revoke the charter 22563
of any alternative school operated by a school district that 22564
violates this section. 22565

Sec. 3313.534. (A) The board of education of each city, 22566
exempted village, and local school district shall adopt a policy 22567
of zero tolerance for violent, disruptive, or inappropriate 22568
behavior and establish strategies to address such behavior that 22569
range from prevention to intervention. A policy adopted pursuant 22570
to this section shall comply with the requirements of sections 22571
3313.668 and 3319.46 of the Revised Code. 22572

(B) Each of the big eight school districts, as defined in 22573
section 3314.02 of the Revised Code, shall establish under 22574
section 3313.533 of the Revised Code at least one alternative 22575
school to meet the educational needs of students with severe 22576
discipline problems, including, but not limited to, excessive 22577
disruption in the classroom and multiple suspensions or 22578
expulsions. Any other school district that attains after that 22579
date a significantly substandard graduation rate, as defined by 22580
the department of education and workforce, shall also establish 22581
such an alternative school under that section. 22582

Sec. 3313.5310. (A) (1) This section applies to both of the 22583
following: 22584

(a) Any school operated by a school district board of 22585
education; 22586

(b) Any chartered or nonchartered nonpublic school that is 22587

subject to the rules of an interscholastic conference or an 22588
organization that regulates interscholastic conferences or 22589
events. 22590

(2) As used in this section, "athletic activity" means all 22591
of the following: 22592

(a) Interscholastic athletics; 22593

(b) An athletic contest or competition that is sponsored 22594
by or associated with a school that is subject to this section, 22595
including cheerleading, club-sponsored sports activities, and 22596
sports activities sponsored by school-affiliated organizations; 22597

(c) Noncompetitive cheerleading that is sponsored by 22598
school-affiliated organizations; 22599

(d) Practices, interschool practices, and scrimmages for 22600
all of the activities described in divisions (A) (2) (a), (b), and 22601
(c) of this section. 22602

(B) Prior to the start of each athletic season, a school 22603
that is subject to this section may hold an informational 22604
meeting for students, parents, guardians, other persons having 22605
care or charge of a student, physicians, pediatric 22606
cardiologists, athletic trainers, and any other persons 22607
regarding the symptoms and warning signs of sudden cardiac 22608
arrest for all ages of students. 22609

(C) No student shall participate in an athletic activity 22610
until the student has submitted to a designated school official 22611
a form signed by the student and the parent, guardian, or other 22612
person having care or charge of the student stating that the 22613
student and the parent, guardian, or other person having care or 22614
charge of the student have received and reviewed a copy of the 22615
information jointly developed by the ~~departments~~ department of 22616

health and the department of education and workforce and posted 22617
on their respective ~~internet~~ web sites as required by section 22618
3707.59 of the Revised Code. A completed form shall be submitted 22619
each school year, as defined in section 3313.62 of the Revised 22620
Code, in which the student participates in an athletic activity. 22621

(D) No individual shall coach an athletic activity unless 22622
the individual has completed, on an annual basis, the sudden 22623
cardiac arrest training course approved by the department of 22624
health under division (C) of section 3707.59 of the Revised 22625
Code. 22626

(E) (1) A student shall not be allowed to participate in an 22627
athletic activity if either of the following is the case: 22628

(a) The student's biological parent, biological sibling, 22629
or biological child has previously experienced sudden cardiac 22630
arrest, and the student has not been evaluated and cleared for 22631
participation in an athletic activity by a physician authorized 22632
under Chapter 4731. of the Revised Code to practice medicine and 22633
surgery or osteopathic medicine and surgery. 22634

(b) The student is known to have exhibited syncope or 22635
fainting at any time prior to or following an athletic activity 22636
and has not been evaluated and cleared for return under division 22637
(E) (3) of this section after exhibiting syncope or fainting. 22638

(2) A student shall be removed by the student's coach from 22639
participation in an athletic activity if the student exhibits 22640
syncope or fainting. 22641

(3) If a student is not allowed to participate in or is 22642
removed from participation in an athletic activity under 22643
division (E) (1) or (2) of this section, the student shall not be 22644
allowed to return to participation until the student is 22645

evaluated and cleared for return in writing by any of the 22646
following: 22647

(a) A physician authorized under Chapter 4731. of the 22648
Revised Code to practice medicine and surgery or osteopathic 22649
medicine and surgery, including a physician who specializes in 22650
cardiology; 22651

(b) A certified nurse practitioner, clinical nurse 22652
specialist, or certified nurse-midwife who holds a certificate 22653
of authority issued under Chapter 4723. of the Revised Code; 22654

(c) A physician assistant licensed under Chapter 4730. of 22655
the Revised Code; 22656

(d) An athletic trainer licensed under Chapter 4755. of 22657
the Revised Code. 22658

The licensed health care providers specified in divisions 22659
(E) (3) (a) to (d) of this section may consult with any other 22660
licensed or certified health care providers in order to 22661
determine whether a student is ready to return to participation. 22662

(F) A school that is subject to this section shall 22663
establish penalties for a coach who violates the provisions of 22664
division (E) of this section. 22665

(G) Nothing in this section shall be construed to abridge 22666
or limit any rights provided under a collective bargaining 22667
agreement entered into under Chapter 4117. of the Revised Code 22668
prior to March 14, 2017. 22669

(H) (1) A school district, member of a school district 22670
board of education, or school district employee or volunteer, 22671
including a coach, is not liable in damages in a civil action 22672
for injury, death, or loss to person or property allegedly 22673

arising from providing services or performing duties under this 22674
section, unless the act or omission constitutes willful or 22675
wanton misconduct. 22676

This section does not eliminate, limit, or reduce any 22677
other immunity or defense that a school district, member of a 22678
school district board of education, or school district employee 22679
or volunteer, including a coach, may be entitled to under 22680
Chapter 2744. or any other provision of the Revised Code or 22681
under the common law of this state. 22682

(2) A chartered or nonchartered nonpublic school or any 22683
officer, director, employee, or volunteer of the school, 22684
including a coach, is not liable in damages in a civil action 22685
for injury, death, or loss to person or property allegedly 22686
arising from providing services or performing duties under this 22687
section, unless the act or omission constitutes willful or 22688
wanton misconduct. 22689

Sec. 3313.5312. (A) A student who is receiving home 22690
~~instruction-education~~ in accordance with ~~division (A) (2) of~~ 22691
~~section 3321.04-3321.042~~ of the Revised Code shall be afforded, 22692
by the superintendent of the school district in which the 22693
student is entitled to attend school under section 3313.64 or 22694
3313.65 of the Revised Code, the opportunity to participate in 22695
any extracurricular activity offered at the district school to 22696
which the student otherwise would be assigned during that school 22697
year. If more than one school operated by the school district 22698
serves the student's grade level, as determined by the district 22699
superintendent based on the student's age and academic 22700
performance, the student shall be afforded the opportunity to 22701
participate in extracurricular activities at the school to which 22702
the student would be assigned by the superintendent under 22703

section 3319.01 of the Revised Code. If a student who is 22704
afforded the opportunity to participate in extracurricular 22705
activities under division (A) of this section wishes to 22706
participate in an activity that is offered by the district, the 22707
student shall not participate in that activity at another school 22708
or school district to which the student is not entitled to 22709
attend. 22710

(B) The superintendent of any school district may afford 22711
any student who receives home ~~instruction-education~~ under 22712
~~division (A) (2) of section 3321.04-3321.042~~ of the Revised Code, 22713
and who is not entitled to attend school in the district under 22714
section 3313.64 or 3313.65 of the Revised Code, the opportunity 22715
to participate in any extracurricular activity offered by a 22716
school of the district, if the district to which the student is 22717
entitled to attend does not offer that extracurricular activity. 22718

(C) In order to participate in an extracurricular activity 22719
under this section, the student shall be of the appropriate age 22720
and grade level, as determined by the superintendent of the 22721
district, for the school that offers the extracurricular 22722
activity, shall fulfill the same nonacademic and financial 22723
requirements as any other participant, and shall fulfill either 22724
of the following academic requirements: 22725

(1) If the student received home ~~instruction-education~~ in 22726
the preceding grading period, the student shall meet any 22727
academic requirements established by the ~~state board department~~ 22728
of education and workforce for the continuation of home 22729
instruction. 22730

(2) If the student did not receive home ~~instruction-~~ 22731
education in the preceding grading period, the student's 22732
academic performance during the preceding grading period shall 22733

have met any academic standards for eligibility to participate 22734
in the program established by the school district. 22735

(D) Eligibility for a student who leaves a school district 22736
mid-year for home ~~instruction-education~~ shall be determined 22737
based on an interim academic assessment issued by the district 22738
in which the student was enrolled based on the student's work 22739
while enrolled in that district. 22740

(E) Any student who commences home ~~instruction-education~~ 22741
after the beginning of a school year and who is, at the time 22742
home ~~instruction-education~~ commences, ineligible to participate 22743
in an extracurricular activity due to failure to meet academic 22744
standards or any other requirements of the district shall not 22745
participate in the extracurricular activity under this section 22746
until the student meets the applicable academic requirements 22747
~~established by the state board of education for continuation of~~ 22748
~~home instruction~~ as verified by the superintendent of the 22749
district. No student under this section shall be eligible to 22750
participate in the same semester in which the student was 22751
determined ineligible. 22752

(F) No school district shall impose additional rules on a 22753
student to participate under this section that do not apply to 22754
other students participating in the same extracurricular 22755
activity. No district shall impose fees for a student to 22756
participate under this section that exceed any fees charged to 22757
other students participating in the same extracurricular 22758
activity. 22759

(G) No school district, interscholastic conference, or 22760
organization that regulates interscholastic conferences or 22761
events shall require a student who is eligible to participate in 22762
interscholastic extracurricular activities under this section to 22763

meet eligibility requirements that conflict with this section. 22764

Sec. 3313.5314. No student who is enrolled in a public or 22765
nonpublic school shall be denied the opportunity to participate 22766
in interscholastic athletics offered by that school solely 22767
because the student is participating or has participated in the 22768
college credit plus program under Chapter 3365. of the Revised 22769
Code, so long as the student fulfills all other academic, 22770
nonacademic, and financial requirements that are not related to 22771
participation in the program. 22772

Additionally, no student who is enrolled in a community 22773
school, STEM school, or nonpublic school or who is receiving 22774
home ~~instruction~~education shall be denied the opportunity to 22775
participate in interscholastic athletics at the school in which 22776
the student is entitled to attend school under section 3313.64 22777
or 3313.65 of the Revised Code solely because of participation 22778
in the college credit plus program, so long as the student meets 22779
the applicable requirements under section 3313.537, 3313.5311, 22780
or 3313.5312 of the Revised Code and fulfills all other 22781
academic, nonacademic, and financial requirements that are not 22782
related to participation in the program. 22783

As used in this section, "community school" means a 22784
community school established under Chapter 3314. of the Revised 22785
Code, and "STEM school" means a science, technology, 22786
engineering, and mathematics school established under Chapter 22787
3326. of the Revised Code. 22788

Sec. 3313.56. The board of education of any city, exempted 22789
village, or local school district may establish and maintain 22790
part-time schools or classes for the further education of 22791
children who are employed on age and schooling certificates. 22792
Such schools and classes shall be conducted not fewer than four 22793

hours per week while in session, and for not fewer than one 22794
hundred forty-four hours per calendar year between the hours of 22795
seven in the morning and six in the afternoon, excluding 22796
Saturday afternoon and Sunday. Such schools and classes shall be 22797
conducted under such standards as the ~~state board~~ department of 22798
education and workforce prescribes. Boards of education may 22799
provide for the expense of such schools and classes the same as 22800
for the expense of ordinary elementary schools. 22801

Sec. 3313.57. Boards of education of city, exempted 22802
village, or local school districts may provide or approve, 22803
subject to the approval of parents, activities for children 22804
during the summer vacation period which will promote their 22805
health, their civic and vocational competence, and their 22806
industry, recreation, character, or thrift. The superintendents 22807
of such school districts shall cause records to be kept of such 22808
activities assigned and completed. With the approval of the 22809
~~state board~~ department of education and workforce the successful 22810
completion of such vacation activities may be required for 22811
promotions and diplomas of graduation, but the completion by any 22812
child of such vacation activities shall not be prerequisite to 22813
the issuance of an age and schooling certificate for such child. 22814
Boards of education shall provide the service necessary to 22815
direct such activities and may pay any necessary expenses 22816
incident thereto, the same as the expense of an ordinary 22817
elementary school. 22818

Sec. 3313.60. Notwithstanding division (D) of section 22819
3311.52 of the Revised Code, divisions (A) to (E) of this 22820
section do not apply to any cooperative education school 22821
district established pursuant to divisions (A) to (C) of section 22822
3311.52 of the Revised Code. 22823

(A) The board of education of each city, exempted village, 22824
and local school district and the board of each cooperative 22825
education school district established, pursuant to section 22826
3311.521 of the Revised Code, shall prescribe a curriculum for 22827
all schools under its control. Except as provided in division 22828
(E) of this section, in any such curriculum there shall be 22829
included the study of the following subjects: 22830

(1) The language arts, including reading, writing, 22831
spelling, oral and written English, and literature; 22832

(2) Geography, the history of the United States and of 22833
Ohio, and national, state, and local government in the United 22834
States, including a balanced presentation of the relevant 22835
contributions to society of men and women of African, Mexican, 22836
Puerto Rican, and American Indian descent as well as other 22837
ethnic and racial groups in Ohio and the United States; 22838

(3) Mathematics; 22839

(4) Natural science, including instruction in the 22840
conservation of natural resources; 22841

(5) Health education, which shall include instruction in: 22842

(a) The nutritive value of foods, including natural and 22843
organically produced foods, the relation of nutrition to health, 22844
and the use and effects of food additives; 22845

(b) The harmful effects of and legal restrictions against 22846
the use of drugs of abuse, alcoholic beverages, and tobacco, 22847
including electronic smoking devices; 22848

(c) Venereal disease education, except that upon written 22849
request of the student's parent or guardian, a student shall be 22850
excused from taking instruction in venereal disease education; 22851

(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;

(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.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education and workforce shall provide on its web site links to free curricula addressing dating violence prevention.

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 principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(h) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades

six through twelve, at least one hour or one standard class 22881
period per school year of evidence-based suicide awareness and 22882
prevention and at least one hour or one standard class period 22883
per school year of safety training and violence prevention, 22884
except that upon written request of the student's parent or 22885
guardian, a student shall be excused from taking instruction in 22886
suicide awareness and prevention or safety training and violence 22887
prevention; 22888

(i) Beginning with the first day of the next school year 22889
that begins at least two years after March 24, 2021, in grades 22890
six through twelve, at least one hour or one standard class 22891
period per school year of evidence-based social inclusion 22892
instruction, except that upon written request of the student's 22893
parent or guardian, a student shall be excused from taking 22894
instruction in social inclusion. 22895

For the instruction required under divisions (A) (5) (h) and 22896
(i) of this section, the board shall use a training program 22897
approved by the department of education and workforce under 22898
section 3301.221 of the Revised Code. 22899

Schools may use student assemblies, digital learning, and 22900
homework to satisfy the instruction requirements under divisions 22901
(A) (5) (h) and (i) of this section. 22902

(6) Physical education; 22903

(7) The fine arts, including music; 22904

(8) First aid, including a training program in 22905
cardiopulmonary resuscitation, which shall comply with section 22906
3313.6021 of the Revised Code when offered in any of grades nine 22907
through twelve, safety, and fire prevention. However, upon 22908
written request of the student's parent or guardian, a student 22909

shall be excused from taking instruction in cardiopulmonary 22910
resuscitation. 22911

(B) Except as provided in division (E) of this section, 22912
every school or school district shall include in the 22913
requirements for promotion from the eighth grade to the ninth 22914
grade one year's course of study of American history. A board 22915
may waive this requirement for academically accelerated students 22916
who, in accordance with procedures adopted by the board, are 22917
able to demonstrate mastery of essential concepts and skills of 22918
the eighth grade American history course of study. 22919

(C) As specified in divisions (B) (6) and (C) (6) of section 22920
3313.603 of the Revised Code, except as provided in division (E) 22921
of this section, every high school shall include in the 22922
requirements for graduation from any curriculum one-half unit 22923
each of American history and government. 22924

(D) Except as provided in division (E) of this section, 22925
basic instruction or demonstrated mastery in geography, United 22926
States history, the government of the United States, the 22927
government of the state of Ohio, local government in Ohio, the 22928
Declaration of Independence, the United States Constitution, and 22929
the Constitution of the state of Ohio shall be required before 22930
pupils may participate in courses involving the study of social 22931
problems, economics, foreign affairs, United Nations, world 22932
government, socialism, and communism. 22933

(E) For each cooperative education school district 22934
established pursuant to section 3311.521 of the Revised Code and 22935
each city, exempted village, and local school district that has 22936
territory within such a cooperative district, the curriculum 22937
adopted pursuant to divisions (A) to (D) of this section shall 22938
only include the study of the subjects that apply to the grades 22939

operated by each such school district. The curricula for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

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

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

instruction.	22968
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	22969 22970 22971 22972
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	22973 22974 22975 22976 22977
(1) English language arts, four units;	22978
(2) Health, one-half unit;	22979
(3) Mathematics, three units;	22980
(4) Physical education, one-half unit;	22981
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	22982 22983 22984
(a) Biological sciences, one unit;	22985
(b) Physical sciences, one unit.	22986
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	22987 22988 22989
(a) American history, one-half unit;	22990
(b) American government, one-half unit.	22991
(7) Social studies, two units.	22992
Beginning with students who enter ninth grade for the	22993

first time on or after July 1, 2017, the two units of 22994
instruction prescribed by division (B) (7) of this section shall 22995
include at least one-half unit of instruction in the study of 22996
world history and civilizations. 22997

(8) Elective units, seven units until September 15, 2003, 22998
and six units thereafter. 22999

Each student's electives shall include at least one unit, 23000
or two half units, chosen from among the areas of 23001
business/technology, fine arts, and/or foreign language. 23002

(C) Beginning with students who enter ninth grade for the 23003
first time on or after July 1, 2010, except as provided in 23004
divisions (D) to (F) of this section, the requirements for 23005
graduation from every public and chartered nonpublic high school 23006
shall include twenty units that are designed to prepare students 23007
for the workforce and college. The units shall be distributed as 23008
follows: 23009

(1) English language arts, four units; 23010

(2) Health, one-half unit, which shall include instruction 23011
in nutrition and the benefits of nutritious foods and physical 23012
activity for overall health; 23013

(3) Mathematics, four units, which shall include one unit 23014
of algebra II or the equivalent of algebra II, or one unit of 23015
advanced computer science as described in the standards adopted 23016
pursuant to division (A) (4) of section 3301.079 of the Revised 23017
Code. However, students who enter ninth grade for the first time 23018
on or after July 1, 2015, and who are pursuing a career- 23019
technical instructional track shall not be required to take 23020
algebra II or advanced computer science, and instead may 23021
complete a career-based pathway mathematics course approved by 23022

the department of education and workforce as an alternative. 23023

For students who choose to take advanced computer science 23024
in lieu of algebra II under division (C)(3) of this section, the 23025
school shall communicate to those students that some 23026
institutions of higher education may require algebra II for the 23027
purpose of college admission. Also, the parent, guardian, or 23028
legal custodian of each student who chooses to take advanced 23029
computer science in lieu of algebra II shall sign and submit to 23030
the school a document containing a statement acknowledging that 23031
not taking algebra II may have an adverse effect on college 23032
admission decisions. 23033

A student may fulfill one unit of mathematics under 23034
division (C)(3) of this section by completing one-half unit of 23035
financial literacy instruction to satisfy the requirement 23036
prescribed under division (C)(9) of this section and one-half 23037
unit of a mathematics course. The one-half unit course in 23038
mathematics shall not be in algebra II, or its equivalent, or a 23039
course for which the ~~state board~~ department requires an end-of- 23040
course examination under section 3301.0712 of the Revised Code. 23041

Students who choose to take one unit of advanced computer 23042
science in lieu of algebra II, as described in division (C)(3) 23043
of this section, shall not be permitted to complete one-half 23044
unit of financial literacy instruction to satisfy the 23045
mathematics unit requirements of that division. Instead, those 23046
students shall be required to complete the one-half unit of 23047
financial literacy instruction under division (C)(8) of this 23048
section. 23049

(4) Physical education, one-half unit; 23050

(5) Science, three units with inquiry-based laboratory 23051

experience that engages students in asking valid scientific	23052
questions and gathering and analyzing information, which shall	23053
include the following, or their equivalent:	23054
(a) Physical sciences, one unit;	23055
(b) Life sciences, one unit;	23056
(c) Advanced study in one or more of the following	23057
sciences, one unit:	23058
(i) Chemistry, physics, or other physical science;	23059
(ii) Advanced biology or other life science;	23060
(iii) Astronomy, physical geology, or other earth or space	23061
science;	23062
(iv) Computer science.	23063
No student shall substitute a computer science course for	23064
a life sciences or biology course under division (C) (5) of this	23065
section.	23066
(6) History and government, one unit, which shall comply	23067
with division (M) of this section and shall include both of the	23068
following:	23069
(a) American history, one-half unit;	23070
(b) American government, one-half unit.	23071
(7) Social studies, two units.	23072
Beginning with students who enter ninth grade for the	23073
first time on or after July 1, 2017, the two units of	23074
instruction prescribed by division (C) (7) of this section shall	23075
include at least one-half unit of instruction in the study of	23076
world history and civilizations.	23077

(8) Five units consisting of one or any combination of 23078
foreign language, fine arts, business, career-technical 23079
education, family and consumer sciences, technology which may 23080
include computer science, agricultural education, a junior 23081
reserve officer training corps (JROTC) program approved by the 23082
congress of the United States under title 10 of the United 23083
States Code, or English language arts, mathematics, science, or 23084
social studies courses not otherwise required under division (C) 23085
of this section. 23086

One-half unit of instruction under division (C) (8) of this 23087
section may be instruction in financial literacy to satisfy the 23088
requirement under division (C) (9) of this section. 23089

(9) (a) Except as provided in division (C) (9) (b) of this 23090
section, for students who enter ninth grade for the first time 23091
on or after July 1, 2022, financial literacy, one-half unit. 23092
Each student shall elect to complete the one-half unit of 23093
instruction in financial literacy either in lieu of one-half 23094
unit of instruction in mathematics under division (C) (3) of this 23095
section or an elective under division (C) (8) of this section. 23096

(b) A student attending a nonpublic school accredited 23097
through the independent schools association of the central 23098
states or any other chartered nonpublic school shall not be 23099
required to complete the one-half unit of financial literacy 23100
instruction prescribed in division (C) (9) (a) of this section, 23101
unless that student is attending the school under a state 23102
scholarship program as defined in section 3301.0711 of the 23103
Revised Code. 23104

The study and instruction of financial literacy required 23105
under division (C) (9) of this section shall align with the 23106
academic content standards for financial literacy and 23107

entrepreneurship adopted under division (A) (2) of section 23108
3301.079 of the Revised Code. In developing the curriculum for 23109
the study and instruction of financial literacy, schools may use 23110
available public-private partnerships and resources and 23111
materials that exist in business, industry, and through the 23112
centers for economics education at institutions of higher 23113
education. 23114

Ohioans must be prepared to apply increased knowledge and 23115
skills in the workplace and to adapt their knowledge and skills 23116
quickly to meet the rapidly changing conditions of the twenty- 23117
first century. National studies indicate that all high school 23118
graduates need the same academic foundation, regardless of the 23119
opportunities they pursue after graduation. The goal of Ohio's 23120
system of elementary and secondary education is to prepare all 23121
students for and seamlessly connect all students to success in 23122
life beyond high school graduation, regardless of whether the 23123
next step is entering the workforce, beginning an 23124
apprenticeship, engaging in post-secondary training, serving in 23125
the military, or pursuing a college degree. 23126

The requirements for graduation prescribed in division (C) 23127
of this section are the standard expectation for all students 23128
entering ninth grade for the first time at a public or chartered 23129
nonpublic high school on or after July 1, 2010. A student may 23130
satisfy this expectation through a variety of methods, 23131
including, but not limited to, integrated, applied, career- 23132
technical, and traditional coursework. 23133

Stronger coordination between high schools and 23134
institutions of higher education is necessary to prepare 23135
students for more challenging academic endeavors and to lessen 23136
the need for academic remediation in college, thereby reducing 23137

the costs of higher education for Ohio's students, families, and 23138
the state. The ~~state board~~ department and the chancellor of 23139
higher education shall develop policies to ensure that only in 23140
rare instances will students who complete the requirements for 23141
graduation prescribed in division (C) of this section require 23142
academic remediation after high school. 23143

School districts, community schools, and chartered 23144
nonpublic schools shall integrate technology into learning 23145
experiences across the curriculum in order to maximize 23146
efficiency, enhance learning, and prepare students for success 23147
in the technology-driven twenty-first century. Districts and 23148
schools shall use distance and web-based course delivery as a 23149
method of providing or augmenting all instruction required under 23150
this division, including laboratory experience in science. 23151
Districts and schools shall utilize technology access and 23152
electronic learning opportunities provided by the broadcast 23153
educational media commission, chancellor, the Ohio learning 23154
network, education technology centers, public television 23155
stations, and other public and private providers. 23156

(D) Except as provided in division (E) of this section, a 23157
student who enters ninth grade on or after July 1, 2010, and 23158
before July 1, 2016, may qualify for graduation from a public or 23159
chartered nonpublic high school even though the student has not 23160
completed the requirements for graduation prescribed in division 23161
(C) of this section if all of the following conditions are 23162
satisfied: 23163

(1) During the student's third year of attending high 23164
school, as determined by the school, the student and the 23165
student's parent, guardian, or custodian sign and file with the 23166
school a written statement asserting the parent's, guardian's, 23167

or custodian's consent to the student's graduating without 23168
completing the requirements for graduation prescribed in 23169
division (C) of this section and acknowledging that one 23170
consequence of not completing those requirements is 23171
ineligibility to enroll in most state universities in Ohio 23172
without further coursework. 23173

(2) The student and parent, guardian, or custodian fulfill 23174
any procedural requirements the school stipulates to ensure the 23175
student's and parent's, guardian's, or custodian's informed 23176
consent and to facilitate orderly filing of statements under 23177
division (D)(1) of this section. Annually, each district or 23178
school shall notify the department of the number of students who 23179
choose to qualify for graduation under division (D) of this 23180
section and the number of students who complete the student's 23181
success plan and graduate from high school. 23182

(3) The student and the student's parent, guardian, or 23183
custodian and a representative of the student's high school 23184
jointly develop a student success plan for the student in the 23185
manner described in division (C)(1) of section 3313.6020 of the 23186
Revised Code that specifies the student matriculating to a two- 23187
year degree program, acquiring a business and industry- 23188
recognized credential, or entering an apprenticeship. 23189

(4) The student's high school provides counseling and 23190
support for the student related to the plan developed under 23191
division (D)(3) of this section during the remainder of the 23192
student's high school experience. 23193

(5) (a) Except as provided in division (D)(5)(b) of this 23194
section, the student successfully completes, at a minimum, the 23195
curriculum prescribed in division (B) of this section. 23196

(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:	23197 23198 23199 23200
(i) Mathematics, four units, one unit which shall be one of the following:	23201 23202
(I) Probability and statistics;	23203
(II) Computer science;	23204
(III) Applied mathematics or quantitative reasoning;	23205
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	23206 23207 23208
(ii) Elective units, five units;	23209
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	23210 23211 23212 23213
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	23214 23215 23216 23217 23218 23219 23220
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	23221 23222
(2) An exception to the district's or school's minimum	23223

high school curriculum that is comparable to the exception 23224
provided in division (D) of this section but with additional 23225
requirements, which may include a requirement that the student 23226
successfully complete more than the minimum curriculum 23227
prescribed in division (B) of this section; 23228

(3) That no exception comparable to that provided in 23229
division (D) of this section is available. 23230

If a school district or chartered nonpublic school 23231
requires a foreign language as an additional graduation 23232
requirement under division (E) of this section, a student may 23233
apply one unit of instruction in computer coding to satisfy one 23234
unit of foreign language. If a student applies more than one 23235
computer coding course to satisfy the foreign language 23236
requirement, the courses shall be sequential and progressively 23237
more difficult. 23238

(F) A student enrolled in a dropout prevention and 23239
recovery program, which program has received a waiver from the 23240
department, may qualify for graduation from high school by 23241
successfully completing a competency-based instructional program 23242
administered by the dropout prevention and recovery program in 23243
lieu of completing the requirements for graduation prescribed in 23244
division (C) of this section. The department shall grant a 23245
waiver to a dropout prevention and recovery program, within 23246
sixty days after the program applies for the waiver, if the 23247
program meets all of the following conditions: 23248

(1) The program serves only students not younger than 23249
sixteen years of age and not older than twenty-one years of age. 23250

(2) The program enrolls students who, at the time of their 23251
initial enrollment, either, or both, are at least one grade 23252

level behind their cohort age groups or experience crises that 23253
significantly interfere with their academic progress such that 23254
they are prevented from continuing their traditional programs. 23255

(3) The program requires students to attain at least the 23256
applicable score designated for each of the assessments 23257
prescribed under division (B) (1) of section 3301.0710 of the 23258
Revised Code or, to the extent prescribed by rule of the ~~state-~~ 23259
~~board-department~~ under division (D) (5) of section 3301.0712 of 23260
the Revised Code, division (B) (2) of that section. 23261

(4) The program develops a student success plan for the 23262
student in the manner described in division (C) (1) of section 23263
3313.6020 of the Revised Code that specifies the student's 23264
matriculating to a two-year degree program, acquiring a business 23265
and industry-recognized credential, or entering an 23266
apprenticeship. 23267

(5) The program provides counseling and support for the 23268
student related to the plan developed under division (F) (4) of 23269
this section during the remainder of the student's high school 23270
experience. 23271

(6) The program requires the student and the student's 23272
parent, guardian, or custodian to sign and file, in accordance 23273
with procedural requirements stipulated by the program, a 23274
written statement asserting the parent's, guardian's, or 23275
custodian's consent to the student's graduating without 23276
completing the requirements for graduation prescribed in 23277
division (C) of this section and acknowledging that one 23278
consequence of not completing those requirements is 23279
ineligibility to enroll in most state universities in Ohio 23280
without further coursework. 23281

(7) Prior to receiving the waiver, the program has 23282
submitted to the department an instructional plan that 23283
demonstrates how the academic content standards adopted by the 23284
~~state board~~ department under section 3301.079 of the Revised 23285
Code will be taught and assessed. 23286

(8) Prior to receiving the waiver, the program has 23287
submitted to the department a policy on career advising that 23288
satisfies the requirements of section 3313.6020 of the Revised 23289
Code, with an emphasis on how every student will receive career 23290
advising. 23291

(9) Prior to receiving the waiver, the program has 23292
submitted to the department a written agreement outlining the 23293
future cooperation between the program and any combination of 23294
local job training, postsecondary education, nonprofit, and 23295
health and social service organizations to provide services for 23296
students in the program and their families. 23297

Divisions (F) (8) and (9) of this section apply only to 23298
waivers granted on or after July 1, 2015. 23299

If the department does not act either to grant the waiver 23300
or to reject the program application for the waiver within sixty 23301
days as required under this section, the waiver shall be 23302
considered to be granted. 23303

(G) Every high school may permit students below the ninth 23304
grade to take advanced work. If a high school so permits, it 23305
shall award high school credit for successful completion of the 23306
advanced work and shall count such advanced work toward the 23307
graduation requirements of division (B) or (C) of this section 23308
if the advanced work was both: 23309

(1) Taught by a person who possesses a license or 23310

certificate issued under section 3301.071, 3319.22, or 3319.222 23311
of the Revised Code that is valid for teaching high school; 23312

(2) Designated by the board of education of the city, 23313
local, or exempted village school district, the board of the 23314
cooperative education school district, or the governing 23315
authority of the chartered nonpublic school as meeting the high 23316
school curriculum requirements. 23317

Each high school shall record on the student's high school 23318
transcript all high school credit awarded under division (G) of 23319
this section. In addition, if the student completed a seventh- 23320
or eighth-grade fine arts course described in division (K) of 23321
this section and the course qualified for high school credit 23322
under that division, the high school shall record that course on 23323
the student's high school transcript. 23324

(H) The department shall make its individual academic 23325
career plan available through its Ohio career information system 23326
web site for districts and schools to use as a tool for 23327
communicating with and providing guidance to students and 23328
families in selecting high school courses. 23329

(I) A school district or chartered nonpublic school may 23330
integrate academic content in a subject area for which the ~~state-~~ 23331
~~board-department~~ has adopted standards under section 3301.079 of 23332
the Revised Code into a course in a different subject area, 23333
including a career-technical education course, in accordance 23334
with guidance for integrated coursework developed by the 23335
department. Upon successful completion of an integrated course, 23336
a student may receive credit for both subject areas that were 23337
integrated into the course. Units earned for subject area 23338
content delivered through integrated academic and career- 23339
technical instruction are eligible to meet the graduation 23340

requirements of division (B) or (C) of this section. 23341

For purposes of meeting graduation requirements, if an 23342
end-of-course examination has been prescribed under section 23343
3301.0712 of the Revised Code for the subject area delivered 23344
through integrated instruction, the school district or school 23345
may administer the related subject area examinations upon the 23346
student's completion of the integrated course. 23347

Nothing in division (I) of this section shall be construed 23348
to excuse any school district, chartered nonpublic school, or 23349
student from any requirement in the Revised Code related to 23350
curriculum, assessments, or the awarding of a high school 23351
diploma. 23352

(J) (1) ~~The state board department,~~ in consultation with 23353
the chancellor, shall adopt a statewide plan implementing 23354
methods for students to earn units of high school credit based 23355
on a demonstration of subject area competency, instead of or in 23356
combination with completing hours of classroom instruction. ~~The~~ 23357
~~state board shall adopt the plan not later than March 31, 2009,~~ 23358
~~and commence phasing in the plan during the 2009-2010 school~~ 23359
~~year.~~ The plan shall include a standard method for recording 23360
demonstrated proficiency on high school transcripts. Each school 23361
district and community school shall comply with the ~~state~~ 23362
~~board's department's~~ plan adopted under this division and award 23363
units of high school credit in accordance with the plan. The 23364
~~state board department~~ may adopt existing methods for earning 23365
high school credit based on a demonstration of subject area 23366
competency as necessary prior to the 2009-2010 school year. 23367

(2) ~~Not later than December 31, 2015, the state board~~ The 23368
department shall update the statewide plan adopted pursuant to 23369
division (J) (1) of this section to also include methods for 23370

students enrolled in seventh and eighth grade to meet curriculum 23371
requirements based on a demonstration of subject area 23372
competency, instead of or in combination with completing hours 23373
of classroom instruction. Beginning with the 2017-2018 school 23374
year, each school district and community school also shall 23375
comply with the updated plan adopted pursuant to this division 23376
and permit students enrolled in seventh and eighth grade to meet 23377
curriculum requirements based on subject area competency in 23378
accordance with the plan. 23379

(3) ~~Not later than December 31, 2017, the~~ The department 23380
shall develop a framework for school districts and community 23381
schools to use in granting units of high school credit to 23382
students who demonstrate subject area competency through work- 23383
based learning experiences, internships, or cooperative 23384
education. Beginning with the 2018-2019 school year, each 23385
district and community school shall comply with the framework. 23386
Each district and community school also shall review any policy 23387
it has adopted regarding the demonstration of subject area 23388
competency to identify ways to incorporate work-based learning 23389
experiences, internships, and cooperative education into the 23390
policy in order to increase student engagement and opportunities 23391
to earn units of high school credit. 23392

(K) This division does not apply to students who qualify 23393
for graduation from high school under division (D) or (F) of 23394
this section, or to students pursuing a career-technical 23395
instructional track as determined by the school district board 23396
of education or the chartered nonpublic school's governing 23397
authority. Nevertheless, the general assembly encourages such 23398
students to consider enrolling in a fine arts course as an 23399
elective. 23400

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

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in

another course of study. In the case of a student who has 23432
participated in the junior reserve officer training corps for at 23433
least two full school years, credit received for that 23434
participation may be used to satisfy the requirement to complete 23435
one-half unit in another course of study. 23436

(M) It is important that high school students learn and 23437
understand United States history and the governments of both the 23438
United States and the state of Ohio. Therefore, beginning with 23439
students who enter ninth grade for the first time on or after 23440
July 1, 2012, the study of American history and American 23441
government required by divisions (B) (6) and (C) (6) of this 23442
section shall include the study of all of the following 23443
documents: 23444

(1) The Declaration of Independence; 23445

(2) The Northwest Ordinance; 23446

(3) The Constitution of the United States with emphasis on 23447
the Bill of Rights; 23448

(4) The Ohio Constitution. 23449

The study of each of the documents prescribed in divisions 23450
(M) (1) to (4) of this section shall include study of that 23451
document in its original context. 23452

The study of American history and government required by 23453
divisions (B) (6) and (C) (6) of this section shall include the 23454
historical evidence of the role of documents such as the 23455
Federalist Papers and the Anti-Federalist Papers to firmly 23456
establish the historical background leading to the establishment 23457
of the provisions of the Constitution and Bill of Rights. 23458

(N) A student may apply one unit of instruction in 23459

computer science to satisfy one unit of mathematics or one unit 23460
of science under division (C) of this section as the student 23461
chooses, regardless of the field of certification of the teacher 23462
who teaches the course, so long as that teacher meets the 23463
licensure requirements prescribed by section 3319.236 of the 23464
Revised Code and, prior to teaching the course, completes a 23465
professional development program determined to be appropriate by 23466
the district board. 23467

If a student applies more than one computer science course 23468
to satisfy curriculum requirements under that division, the 23469
courses shall be sequential and progressively more difficult or 23470
cover different subject areas within computer science. 23471

Sec. 3313.605. (A) As used in this section: 23472

(1) "Civic responsibility" means the patriotic and ethical 23473
duties of all citizens to take an active role in society and to 23474
consider the interests and concerns of other individuals in the 23475
community. 23476

(2) "Volunteerism" means nonprofit activity in the United 23477
States, the benefits and limitations of nonprofit activities, 23478
and the presence and function of nonprofit civic and charitable 23479
organizations in the United States. 23480

(3) "Community service" means a service performed through 23481
educational institutions, government agencies, nonprofit 23482
organizations, social service agencies, and philanthropies and 23483
generally designed to provide direct experience with people or 23484
project planning, with the goal of improving the quality of life 23485
for the community. Such activities may include but are not 23486
limited to tutoring, literacy training, neighborhood 23487
improvement, encouraging interracial and multicultural 23488

understanding, promoting ideals of patriotism, increasing 23489
environmental safety, assisting the elderly or disabled, and 23490
providing mental health care, housing, drug abuse prevention 23491
programs, and other philanthropic programs, particularly for 23492
disadvantaged or low-income persons. 23493

(B) The board of education of each city, local, exempted 23494
village, and joint vocational school district, the governing 23495
authority of each community school established under Chapter 23496
3314. of the Revised Code, and the governing body of each STEM 23497
school established under Chapter 3326. of the Revised Code may 23498
include community service education in its educational program. 23499
A governing board of an educational service center, upon the 23500
request of a local school district board of education, may 23501
provide a community service education program for the local 23502
district pursuant to this section. If a board, governing 23503
authority, or governing body includes community service 23504
education in its education program, the board, governing 23505
authority, or governing body shall do both of the following: 23506

(1) Establish a community service advisory committee. The 23507
committee shall provide recommendations to the board, governing 23508
authority, or governing body regarding a community service plan 23509
for students and shall oversee and assist in the implementation 23510
of the plan adopted by the board, governing authority, or 23511
governing body under division (B) (2) of this section. Each 23512
board, governing authority, or governing body shall determine 23513
the membership and organization of its advisory committee and 23514
may designate an existing committee established for another 23515
purpose to serve as the community service advisory committee; 23516
however, each such committee shall include two or more students 23517
and shall include or consult with at least one person employed 23518
in the field of volunteer management who devotes at least fifty 23519

per cent of employment hours to coordinating volunteerism among 23520
community organizations. The committee members may include 23521
representatives of parents, teachers, administrators, other 23522
educational institutions, business, government, nonprofit 23523
organizations, veterans organizations, social service agencies, 23524
religious organizations, and philanthropies. 23525

(2) Develop and implement a community service plan. To 23526
assist in establishing its plan, the board, governing authority, 23527
or governing body shall consult with and may contract with one 23528
or more local or regional organizations with experience in 23529
volunteer program development and management. Each community 23530
service plan adopted under this division shall be based upon the 23531
recommendations of the advisory committee and shall provide for 23532
all of the following: 23533

(a) Education of students in the value of community 23534
service and its contributions to the history of this state and 23535
this nation; 23536

(b) Identification of opportunities for students to 23537
provide community service; 23538

(c) Encouragement of students to provide community 23539
service; 23540

(d) Integration of community service opportunities into 23541
the curriculum; 23542

(e) A community service instructional program for 23543
teachers, including strategies for the teaching of community 23544
service education, for the discovery of community service 23545
opportunities, and for the motivation of students to become 23546
involved in community service. 23547

Plans shall be reviewed periodically by the advisory 23548

committee and, if necessary, revised by the board, governing 23549
authority, or governing body at least once every five years. 23550

Plans shall provide for students to perform services under 23551
the plan that will not supplant the hiring of, result in the 23552
displacement of, or impair any existing employment contract of 23553
any particular employee of any private or governmental entity 23554
for which the services are performed. The plan shall provide for 23555
any entity utilizing a student to perform community service 23556
under the plan to verify to the board that the student does not 23557
supplant the hiring of, displace, or impair the employment 23558
contract of any particular employee of the entity. 23559

Upon adoption, a board, governing authority, or governing 23560
body shall submit a copy of its plan to the department of 23561
education and workforce. Each city and exempted village board of 23562
education and each governing board of a service center shall 23563
include a copy of its plan in any course of study adopted under 23564
section 3313.60 of the Revised Code that is required to be 23565
submitted for approval to the ~~state board~~ department for review. 23566
A joint vocational school district board of education shall 23567
submit a copy of its plan to the ~~state board~~ department for 23568
review when required to do so by the ~~state board~~ department. A 23569
local board shall forward its plan to the educational service 23570
center governing board for inclusion in the governing board's 23571
course of study. The department periodically shall review all 23572
plans and publish those plans that could serve as models for 23573
other school districts, educational service centers, community 23574
schools, or STEM schools. 23575

(C) Under this section, a board, governing authority, or 23576
governing body may only grant high school credit for a community 23577
service education course if approximately half of the course is 23578

devoted to classroom study of such matters as civic 23579
responsibility, the history of volunteerism, and community 23580
service training and approximately half of the course is devoted 23581
to community service. 23582

Each board, governing authority, or governing body shall 23583
determine which specific activities will serve to fulfill the 23584
required hours of community service. 23585

(D) The ~~superintendent of public instruction department of~~ 23586
~~education and workforce~~ shall develop guidelines for the 23587
development and implementation of a rubric to evaluate and rate 23588
community service education projects for use by districts, 23589
governing authorities, and governing boards that adopt a 23590
community service education plan. 23591

(E) The ~~state superintendent department~~ shall adopt rules 23592
for granting a student special certification, special 23593
recognition on a diploma, or special notification in the 23594
student's record upon the student's successful completion of an 23595
approved community service project. 23596

The district board, governing authority, or governing body 23597
shall use a rubric developed in accordance with division (D) of 23598
this section to determine whether a community service project 23599
warrants recognition on a student's diploma under this division. 23600

Sec. 3313.608. (A) (1) Beginning with students who enter 23601
third grade in the school year that starts July 1, 2009, and 23602
until June 30, 2013, unless the student is excused under 23603
division (C) of section 3301.0711 of the Revised Code from 23604
taking the assessment described in this section, for any student 23605
who does not attain at least the equivalent level of achievement 23606
designated under division (A) (3) of section 3301.0710 of the 23607

Revised Code on the assessment prescribed under that section to 23608
measure skill in English language arts expected at the end of 23609
third grade, each school district, in accordance with the policy 23610
adopted under section 3313.609 of the Revised Code, shall do one 23611
of the following: 23612

(a) Promote the student to fourth grade if the student's 23613
principal and reading teacher agree that other evaluations of 23614
the student's skill in reading demonstrate that the student is 23615
academically prepared to be promoted to fourth grade; 23616

(b) Promote the student to fourth grade but provide the 23617
student with intensive intervention services in fourth grade; 23618

(c) Retain the student in third grade. 23619

(2) Beginning with students who enter third grade in the 23620
2013-2014 school year, unless the student is excused under 23621
division (C) of section 3301.0711 of the Revised Code from 23622
taking the assessment described in this section, no school 23623
district shall promote to fourth grade any student who does not 23624
attain at least the equivalent level of achievement designated 23625
under division (A) (3) of section 3301.0710 of the Revised Code 23626
on the assessment prescribed under that section to measure skill 23627
in English language arts expected at the end of third grade, 23628
unless one of the following applies: 23629

(a) The student is an English learner who has been 23630
enrolled in United States schools for less than three full 23631
school years and has had less than three years of instruction in 23632
an English as a second language program. 23633

(b) The student is a child with a disability entitled to 23634
special education and related services under Chapter 3323. of 23635
the Revised Code and the student's individualized education 23636

program exempts the student from retention under this division. 23637

(c) The student demonstrates an acceptable level of 23638
performance on an alternative standardized reading assessment as 23639
determined by the department of education and workforce. 23640

(d) All of the following apply: 23641

(i) The student is a child with a disability entitled to 23642
special education and related services under Chapter 3323. of 23643
the Revised Code. 23644

(ii) The student has taken the third grade English 23645
language arts achievement assessment prescribed under section 23646
3301.0710 of the Revised Code. 23647

(iii) The student's individualized education program or 23648
plan under section 504 of the "Rehabilitation Act of 1973," 87 23649
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 23650
received intensive remediation in reading for two school years 23651
but still demonstrates a deficiency in reading. 23652

(iv) The student previously was retained in any of grades 23653
kindergarten to three. 23654

(e) (i) The student received intensive remediation for 23655
reading for two school years but still demonstrates a deficiency 23656
in reading and was previously retained in any of grades 23657
kindergarten to three. 23658

(ii) A student who is promoted under division (A) (2) (e) (i) 23659
of this section shall continue to receive intensive reading 23660
instruction in grade four. The instruction shall include an 23661
altered instructional day that includes specialized diagnostic 23662
information and specific research-based reading strategies for 23663
the student that have been successful in improving reading among 23664

low-performing readers. 23665

(B) (1) Beginning in the 2012-2013 school year, to assist 23666
students in meeting the third grade guarantee established by 23667
this section, each school district board of education shall 23668
adopt policies and procedures with which it annually shall 23669
assess the reading skills of each student, except those students 23670
with significant cognitive disabilities or other disabilities as 23671
authorized by the department on a case-by-case basis, enrolled 23672
in kindergarten to third grade and shall identify students who 23673
are reading below their grade level. The reading skills 23674
assessment shall be completed by the thirtieth day of September 23675
for students in grades one to three, and by the twentieth day of 23676
instruction of the school year for students in kindergarten. 23677
Each district shall use the diagnostic assessment to measure 23678
reading ability for the appropriate grade level adopted under 23679
section 3301.079 of the Revised Code, or a comparable tool 23680
approved by the department of education and workforce, to 23681
identify such students. The policies and procedures shall 23682
require the students' classroom teachers to be involved in the 23683
assessment and the identification of students reading below 23684
grade level. The assessment may be administered electronically 23685
using live, two-way video and audio connections whereby the 23686
teacher administering the assessment may be in a separate 23687
location from the student. 23688

(2) For each student identified by the diagnostic 23689
assessment prescribed under this section as having reading 23690
skills below grade level, the district shall do both of the 23691
following: 23692

(a) Provide to the student's parent or guardian, in 23693
writing, all of the following: 23694

(i) Notification that the student has been identified as having a substantial deficiency in reading;	23695 23696
(ii) A description of the current services that are provided to the student;	23697 23698
(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;	23699 23700 23701 23702
(iv) Notification that if the student attains a score in the range designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.	23703 23704 23705 23706 23707 23708 23709 23710 23711 23712 23713 23714
(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.	23715 23716 23717 23718 23719 23720 23721 23722 23723

(3) For each student retained under division (A) of this section, the district shall do all of the following:	23724 23725
(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:	23726 23727 23728 23729 23730 23731
(i) Small group instruction;	23732
(ii) Reduced teacher-student ratios;	23733
(iii) More frequent progress monitoring;	23734
(iv) Tutoring or mentoring;	23735
(v) Transition classes containing third and fourth grade students;	23736 23737
(vi) Extended school day, week, or year;	23738
(vii) Summer reading camps.	23739
(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;	23740 23741 23742 23743
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	23744 23745 23746
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 <u>and workforce</u> . If	23747 23748 23749 23750

the student participates in the remediation services and 23751
demonstrates reading proficiency in accordance with standards 23752
adopted by the department prior to the start of fourth grade, 23753
the district shall promote the student to that grade. 23754

(4) For each student retained under division (A) of this 23755
section who has demonstrated proficiency in a specific academic 23756
ability field, each district shall provide instruction 23757
commensurate with student achievement levels in that specific 23758
academic ability field. 23759

As used in this division, "specific academic ability 23760
field" has the same meaning as in section 3324.01 of the Revised 23761
Code. 23762

(C) For each student required to be provided intervention 23763
services under this section, the district shall develop a 23764
reading improvement and monitoring plan within sixty days after 23765
receiving the student's results on the diagnostic assessment or 23766
comparable tool administered under division (B)(1) of this 23767
section. The district shall involve the student's parent or 23768
guardian and classroom teacher in developing the plan. The plan 23769
shall include all of the following: 23770

(1) Identification of the student's specific reading 23771
deficiencies; 23772

(2) A description of the additional instructional services 23773
and support that will be provided to the student to remediate 23774
the identified reading deficiencies; 23775

(3) Opportunities for the student's parent or guardian to 23776
be involved in the instructional services and support described 23777
in division (C)(2) of this section; 23778

(4) A process for monitoring the extent to which the 23779

student receives the instructional services and support	23780
described in division (C) (2) of this section;	23781
(5) A reading curriculum during regular school hours that	23782
does all of the following:	23783
(a) Assists students to read at grade level;	23784
(b) Provides scientifically based and reliable assessment;	23785
(c) Provides initial and ongoing analysis of each	23786
student's reading progress.	23787
(6) A statement that if the student does not attain at	23788
least the equivalent level of achievement designated under	23789
division (A) (3) of section 3301.0710 of the Revised Code on the	23790
assessment prescribed under that section to measure skill in	23791
English language arts expected by the end of third grade, the	23792
student may be retained in third grade.	23793
Each student with a reading improvement and monitoring	23794
plan under this division who enters third grade after July 1,	23795
2013, shall be assigned to a teacher who satisfies one or more	23796
of the criteria set forth in division (H) of this section.	23797
The district shall report any information requested by the	23798
department about the reading improvement monitoring plans	23799
developed under this division in the manner required by the	23800
department.	23801
(D) Each school district shall report annually to the	23802
department on its implementation and compliance with this	23803
section using guidelines prescribed by the superintendent of	23804
public instruction department. The superintendent of public	23805
instruction director of education and workforce annually shall	23806
report to the governor and general assembly the number and	23807

percentage of students in grades kindergarten through four 23808
reading below grade level based on the diagnostic assessments 23809
administered under division (B) of this section and the 23810
achievement assessments administered under divisions (A) (1) (a) 23811
and (b) of section 3301.0710 of the Revised Code in English 23812
language arts, aggregated by school district and building; the 23813
types of intervention services provided to students; and, if 23814
available, an evaluation of the efficacy of the intervention 23815
services provided. 23816

(E) Any summer remediation services funded in whole or in 23817
part by the state and offered by school districts to students 23818
under this section shall meet the following conditions: 23819

(1) The remediation methods are based on reliable 23820
educational research. 23821

(2) The school districts conduct assessment before and 23822
after students participate in the program to facilitate 23823
monitoring results of the remediation services. 23824

(3) The parents of participating students are involved in 23825
programming decisions. 23826

(F) Any intervention or remediation services required by 23827
this section shall include intensive, explicit, and systematic 23828
instruction. 23829

(G) This section does not create a new cause of action or 23830
a substantive legal right for any person. 23831

(H) (1) Except as provided under divisions (H) (2), (3), and 23832
(4) of this section, each student described in division (B) (3) 23833
or (C) of this section who enters third grade for the first time 23834
on or after July 1, 2013, shall be assigned a teacher who has at 23835
least one year of teaching experience and who satisfies one or 23836

more of the following criteria: 23837

(a) The teacher holds a reading endorsement on the 23838
teacher's license and has attained a passing score on the 23839
corresponding assessment for that endorsement, as applicable. 23840

(b) The teacher has completed a master's degree program 23841
with a major in reading. 23842

(c) The teacher was rated "most effective" for reading 23843
instruction consecutively for the most recent two years based on 23844
assessments of student growth measures developed by a vendor and 23845
that is on the list of student assessments approved by the ~~state-~~ 23846
~~board~~ department under division (B) (2) of section 3319.112 of 23847
the Revised Code. 23848

(d) The teacher was rated "above expected value added," in 23849
reading instruction, as determined by criteria established by 23850
the department, for the most recent, consecutive two years. 23851

(e) The teacher has earned a passing score on a rigorous 23852
test of principles of scientifically research-based reading 23853
instruction as approved by the ~~state board~~ department. 23854

(f) The teacher holds an educator license for teaching 23855
grades pre-kindergarten through three or four through nine 23856
issued on or after July 1, 2017. 23857

(2) Notwithstanding division (H) (1) of this section, a 23858
student described in division (B) (3) or (C) of this section who 23859
enters third grade for the first time on or after July 1, 2013, 23860
may be assigned to a teacher with less than one year of teaching 23861
experience provided that the teacher meets one or more of the 23862
criteria described in divisions (H) (1) (a) to (f) of this section 23863
and that teacher is assigned a teacher mentor who meets the 23864
qualifications of division (H) (1) of this section. 23865

(3) Notwithstanding division (H)(1) of this section, a 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, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a 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, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a ~~professional pupil services license as a school speech language pathologist issued by the state board of education~~ registration under section 3319.221 of the Revised Code.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the

classroom teacher to whom a student is assigned. 23896

(I) Notwithstanding division (H) of this section, a 23897
teacher may teach reading to any student who is an English 23898
language learner, and has been in the United States for three 23899
years or less, or to a student who has an individualized 23900
education program developed under Chapter 3323. of the Revised 23901
Code if that teacher holds an alternative credential approved by 23902
the department or has successfully completed training that is 23903
based on principles of scientifically research-based reading 23904
instruction that has been approved by the department. Beginning 23905
on July 1, 2014, the alternative credentials and training 23906
described in this division shall be aligned with the reading 23907
competencies adopted by the state board of education under 23908
section 3301.077 of the Revised Code. 23909

(J) If, on or after June 4, 2013, a school district or 23910
community school cannot furnish the number of teachers needed 23911
who satisfy one or more of the criteria set forth in division 23912
(H) of this section for the 2013-2014 school year, the school 23913
district or community school shall develop and submit a staffing 23914
plan by June 30, 2013. The staffing plan shall include criteria 23915
that will be used to assign a student described in division (B) 23916
(3) or (C) of this section to a teacher, credentials or training 23917
held by teachers currently teaching at the school, and how the 23918
school district or community school will meet the requirements 23919
of this section. The school district or community school shall 23920
post the staffing plan on its web site for the applicable school 23921
year. 23922

Not later than March 1, 2014, and on the first day of 23923
March in each year thereafter, a school district or community 23924
school that has submitted a plan under this division shall 23925

submit to the department a detailed report of the progress the 23926
district or school has made in meeting the requirements under 23927
this section. 23928

A school district or community school may request an 23929
extension of a staffing plan beyond the 2013-2014 school year. 23930
Extension requests must be submitted to the department not later 23931
than the thirtieth day of April prior to the start of the 23932
applicable school year. The department may grant extensions 23933
valid through the 2015-2016 school year. 23934

~~Until June 30, 2015, the department annually shall review 23935
all staffing plans and report to the state board not later than 23936
the thirtieth day of June of each year the progress of school 23937
districts and community schools in meeting the requirements of 23938
this section. 23939~~

(K) The department of education and workforce shall 23940
designate one or more staff members to provide guidance and 23941
assistance to school districts and community schools in 23942
implementing the third grade guarantee established by this 23943
section, including any standards or requirements adopted to 23944
implement the guarantee and to provide information and support 23945
for reading instruction and achievement. 23946

Sec. 3313.6011. (A) As used in this section, "sexual 23947
activity" has the same meaning as in section 2907.01 of the 23948
Revised Code. 23949

(B) Instruction in venereal disease education pursuant to 23950
division (A) (5) (c) of section 3313.60 of the Revised Code shall 23951
emphasize that abstinence from sexual activity is the only 23952
protection that is one hundred per cent effective against 23953
unwanted pregnancy, sexually transmitted disease, and the sexual 23954

transmission of a virus that causes acquired immunodeficiency syndrome. 23955
23956

(C) (1) The department of education and workforce shall 23957
require course material and instruction in venereal disease 23958
education courses taught pursuant to division (A) (5) (c) of 23959
section 3313.60 of the Revised Code to do all of the following: 23960

(a) Stress that students should abstain from sexual 23961
activity until after marriage; 23962

(b) Teach the potential physical, psychological, 23963
emotional, and social side effects of participating in sexual 23964
activity outside of marriage; 23965

(c) Teach that conceiving children out of wedlock is 23966
likely to have harmful consequences for the child, the child's 23967
parents, and society; 23968

(d) Stress that sexually transmitted diseases are serious 23969
possible hazards of sexual activity; 23970

(e) Advise students of the laws pertaining to financial 23971
responsibility of parents to children born in and out of 23972
wedlock; 23973

(f) Advise students of the circumstances under which it is 23974
criminal to have sexual contact with a person under the age of 23975
sixteen pursuant to section 2907.04 of the Revised Code; 23976

(g) Emphasize adoption as an option for unintended 23977
pregnancies. 23978

(2) If a school district or school chooses to offer 23979
additional instruction in venereal disease or sexual education 23980
not specified in division (C) (1) of this section, the district 23981
or school shall notify all parents or guardians of that 23982

instruction, including the name of any instructor, vendor name, 23983
if applicable, and the name of the curriculum being used. No 23984
district or school shall offer that instruction to a student 23985
unless that student's parent or guardian has submitted written 23986
permission for that student to receive that instruction. 23987
Division (E) of this section does not apply to division (C) (2) 23988
of this section. 23989

(3) Upon request, a school district or school shall 23990
provide any materials associated with the instruction offered 23991
under divisions (C) (1) and (2) of this section to a parent or 23992
guardian. 23993

(D) The ~~state board of education~~ department shall not 23994
adopt a separate model education program for health education. 23995

(E) The department shall conduct an annual audit of each 23996
city, local, and exempted village school district, at the start 23997
of each school year, relative to its compliance with the 23998
instruction requirements of this section and division (A) (5) (c) 23999
of section 3313.60 of the Revised Code. The department shall 24000
publish the findings of each audit not later than one hundred 24001
twenty days after the start of the school year. The department 24002
shall include in the findings of each audit the name of any 24003
organization or program that provided materials to a school 24004
district regarding venereal disease instruction. The 24005
department's findings shall be prominently posted on its web 24006
site. 24007

(F) The ~~superintendent of public instruction~~ director of 24008
education and workforce shall not approve, pursuant to section 24009
3302.07 of the Revised Code, any waiver of any requirement of 24010
this section. 24011

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer

at least one other advanced standing program, to students in 24041
good standing, as defined by the partnership for continued 24042
learning under section 3301.42 of the Revised Code as it existed 24043
prior to October 16, 2009, or as subsequently defined by the 24044
department of education and workforce. 24045

(2) A chartered nonpublic high school that elects to 24046
participate in the college credit plus program established under 24047
Chapter 3365. of the Revised Code meets the requirements of this 24048
division. Each chartered nonpublic high school that elects not 24049
to participate in the college credit plus program instead shall 24050
offer at least one other advanced standing program to students 24051
in good standing, as defined by the partnership for continued 24052
learning under section 3301.42 of the Revised Code as it existed 24053
prior to October 16, 2009, or as subsequently defined by the 24054
department of education and workforce. 24055

(C) Each school district and each chartered nonpublic high 24056
school, at least annually, shall provide information about the 24057
advanced standing programs offered by the district or school to 24058
all students enrolled in grades six through eleven. The district 24059
or school shall include information about all of the following: 24060

(1) The process colleges and universities use in awarding 24061
credit for advanced placement and international baccalaureate 24062
courses and examinations, including minimum scores required by 24063
state institutions of higher education, as defined in section 24064
3345.011 of the Revised Code, for a student to receive college 24065
credit; 24066

(2) The availability of tuition and fee waivers for 24067
advanced placement and international baccalaureate courses and 24068
examinations; 24069

(3) The availability of online advanced placement or 24070
international baccalaureate courses, including those that may be 24071
available at no cost; 24072

(4) The benefits of earning postsecondary credit through 24073
advanced placement or international baccalaureate courses; 24074

(5) The availability of advanced placement or 24075
international baccalaureate courses offered throughout the 24076
district. 24077

The district or school may include additional information 24078
as determined appropriate by the district or school. 24079

(D) Except as provided for in Chapter 3365. of the Revised 24080
Code, no city, local, exempted village, and joint vocational 24081
school district shall charge an enrolled student an additional 24082
fee or tuition for participation in any advanced standing 24083
program offered by the district. Students may be required to pay 24084
the costs associated with taking an advanced placement or 24085
international baccalaureate examination. 24086

(E) Any agreement between a school district or school and 24087
an associated college governing the operation of an early 24088
college high school program shall be exempt from the 24089
requirements of the college credit plus program, provided the 24090
program meets the definition set forth in division (F)(2) of 24091
this section and is approved by the ~~superintendent of public~~ 24092
~~instruction~~ director of education and workforce and the 24093
chancellor of higher education. 24094

The college credit plus program also shall not govern any 24095
advanced placement course or international baccalaureate diploma 24096
course as described under this section. 24097

(F) As used in this section: 24098

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education and workforce;

(c) Students whose parents did not earn a college degree.

Sec. 3313.6015. The board of education of each city, exempted village, and local school district shall adopt a resolution describing how the district will address college and career readiness and financial literacy in its curriculum for grade seven or eight and for any other grades in which the board determines that those subjects should be addressed. The board

shall submit a copy of the resolution to the department of 24128
education and workforce. 24129

Sec. 3313.6016. (A) ~~Beginning in the 2011-2012 school~~ 24130
~~year, the~~ The department of education and workforce shall 24131
administer a pilot program requiring daily physical activity for 24132
students. Any school district; community school established 24133
under Chapter 3314. of the Revised Code; science, technology, 24134
engineering, and mathematics school established under Chapter 24135
3326. of the Revised Code; or chartered nonpublic school 24136
annually may elect to participate in the pilot program by 24137
notifying the department of its interest by a date established 24138
by the department. If a school district elects to participate in 24139
the pilot program, the district shall select one or more school 24140
buildings to participate in the program. To the maximum extent 24141
possible, the department shall seek to include in the pilot 24142
program districts and schools that are located in urban, 24143
suburban, and rural areas distributed geographically throughout 24144
the state. The department shall administer the pilot program in 24145
accordance with this section. 24146

(B) Except as provided in division (C) of this section, 24147
each district or school participating in the pilot program shall 24148
require all students in the school building selected under 24149
division (A) of this section to engage in at least thirty 24150
minutes of moderate to rigorous physical activity each school 24151
day or at least one hundred fifty minutes of moderate to 24152
rigorous physical activity each week, exclusive of recess. 24153
Physical activity engaged in during the following may count 24154
toward the daily requirement: 24155

(1) A physical education course; 24156

(2) A program or activity occurring before or after the 24157

regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement.

(C) None of the following shall be subject to the requirement of division (B) of this section:

(1) Any student enrolled in the college credit plus program established under Chapter 3365. of the Revised Code;

(2) Any student enrolled in a career-technical education program operated by the district or school;

(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school.

(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.

(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.

(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmington college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that licensed educators may be permitted to provide extended 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. 24215

(D) All agricultural education instructors shall submit a 24216
monthly time log to the principal of the school at which the 24217
extended programming is offered, or the principal's designee, 24218
for review. 24219

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 24220
year, the board of education of each city, local, exempted 24221
village, and joint vocational school district shall adopt a 24222
policy on career advising that complies with this section. 24223
Thereafter, the policy shall be updated at least once every two 24224
years. 24225

(2) The board shall make the policy publicly available to 24226
students, parents, guardians, or custodians, local post- 24227
secondary institutions, and residents of the district. The 24228
district shall post the policy in a prominent location on its 24229
web site, if it has one. 24230

(B) The policy on career advising shall specify how the 24231
district will do all of the following: 24232

(1) Provide students with grade-level examples that link 24233
their schoolwork to one or more career fields. A district may 24234
use career connections developed under division (B) (2) of 24235
section 3301.079 of the Revised Code for this purpose. 24236

(2) Create a plan to provide career advising to students 24237
in grades six through twelve; 24238

(3) Beginning in the 2015-2016 school year, provide 24239
additional interventions and career advising for students who 24240
are identified as at risk of dropping out of school in 24241
accordance with division (C) of this section; 24242

- (4) Train its employees on how to advise students on career pathways, including training on advising students using online tools; 24243
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- (5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma; 24246
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- (6) Identify and publicize courses that can award students both traditional academic and career-technical credit; 24249
24250
- (7) Document the career advising provided to each student for review by the student, the student's parent, guardian, or custodian, and future schools that the student may attend. A district shall not otherwise release this information without the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old. 24251
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- (8) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts; 24259
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- (9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree; 24263
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- (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: 24267
24268
24269
- (a) The reserve officer training corps; 24270

(b) The college credit plus program established under Chapter 3365. of the Revised Code;	24271 24272
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	24273 24274
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	24275 24276 24277
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.	24278 24279 24280 24281 24282 24283
(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 role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	24284 24285 24286 24287 24288 24289 24290 24291 24292 24293
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the parent, guardian, or custodian a copy of the student's success	24294 24295 24296 24297 24298 24299

plan and a statement of the importance of a high school diploma 24300
and the academic pathways available to the student in order to 24301
successfully graduate. 24302

(3) Following the development of a student success plan 24303
for a student, the district shall provide career advising to the 24304
student that is aligned with the plan and, beginning in the 24305
2015-2016 school year, the district's plan to provide career 24306
advising created under division (B) (2) of this section. 24307

(D) (1) ~~Not later than December 1, 2014, the~~ The department 24308
of education and workforce shall develop and post on its web 24309
site model policies on career advising and model student success 24310
plans. 24311

(2) ~~Not later than July 1, 2015, the~~ The department shall 24312
create an online clearinghouse of research related to proven 24313
practices for policies on career advising and student success 24314
plans that districts may access when fulfilling the requirements 24315
of this section. 24316

(3) The department shall develop and make available 24317
informational materials for students in grades seven and eight 24318
about career opportunities available to them, including in- 24319
demand jobs as defined in section 3333.94 of the Revised Code, 24320
and how a career-technical education may help them satisfy 24321
graduation conditions under section 3313.618 of the Revised 24322
Code. 24323

Sec. 3313.6024. (A) ~~Annually, beginning in the 2019-2020~~ 24324
~~school year,~~ each school district shall report to the department 24325
of education and workforce, in the manner prescribed by the 24326
department, the types of prevention-focused programs, services, 24327
and supports used to assist students in developing the knowledge 24328

and skills to engage in healthy behaviors and decision-making 24329
and to increase their awareness of the dangers and consequences 24330
of risky behaviors, including substance abuse, suicide, 24331
bullying, and other harmful behaviors. The district shall report 24332
the following information regarding such programs, services, and 24333
supports for each building operated by the district and for each 24334
of grades kindergarten through twelve served by the building: 24335

(1) Curriculum and instruction provided during the school 24336
day; 24337

(2) Programs and supports provided outside of the 24338
classroom or outside of the school day; 24339

(3) Professional development for teachers, administrators, 24340
and other staff; 24341

(4) Partnerships with community coalitions and 24342
organizations to provide prevention services and resources to 24343
students and their families; 24344

(5) School efforts to engage parents and the community; 24345

(6) Activities designed to communicate with and learn from 24346
other schools or professionals with expertise in prevention 24347
education. 24348

(B) The department may use information reported under this 24349
section, and any other information collected by the department 24350
pursuant to law, as a factor in the distribution of any funding 24351
available for prevention-focused programs, services, and 24352
supports. 24353

Sec. 3313.6027. Subject to divisions (D) to (F) of section 24354
3313.603 of the Revised Code, this section applies to students 24355
who enter ninth grade for the first time on or after July 1, 24356

2010, but prior to July 1, 2022. 24357

For students to whom this section applies, each school 24358
district and chartered nonpublic school shall integrate the 24359
study of economics and financial literacy, as expressed in the 24360
social studies academic content standards adopted by the ~~state-~~ 24361
~~board~~ department of education and workforce under division (A) 24362
(1) of section 3301.079 of the Revised Code and the academic 24363
content standards for financial literacy and entrepreneurship 24364
adopted under division (A) (2) of that section, into one or more 24365
existing social studies credits required under division (C) (7) 24366
of section 3313.603 of the Revised Code, or into the content of 24367
another class, so that every high school student receives 24368
instruction in those concepts. 24369

Sec. 3313.61. (A) A diploma shall be granted by the board 24370
of education of any city, exempted village, or local school 24371
district that operates a high school to any person to whom all 24372
of the following apply: 24373

(1) The person has successfully completed the curriculum 24374
in any high school or the individualized education program 24375
developed for the person by any high school pursuant to section 24376
3323.08 of the Revised Code, or has qualified under division (D) 24377
or (F) of section 3313.603 of the Revised Code, provided that no 24378
school district shall require a student to remain in school for 24379
any specific number of semesters or other terms if the student 24380
completes the required curriculum early; 24381

(2) Subject to section 3313.614 of the Revised Code, the 24382
person has met the assessment requirements of division (A) (2) (a) 24383
or (b) of this section, as applicable. 24384

(a) If the person entered the ninth grade prior to July 1, 24385

2014, the person either:	24386
(i) Has attained at least the applicable scores designated	24387
under division (B) (1) of section 3301.0710 of the Revised Code	24388
on all the assessments required by that division unless the	24389
person was excused from taking any such assessment pursuant to	24390
section 3313.532 of the Revised Code or unless division (H) or	24391
(L) of this section applies to the person;	24392
(ii) Has satisfied the alternative conditions prescribed	24393
in section 3313.615 of the Revised Code.	24394
(b) If the person entered the ninth grade on or after July	24395
1, 2014, the person has met the requirement prescribed by	24396
section 3313.618 of the Revised Code, except to the extent that	24397
the person is excused from an assessment prescribed by that	24398
section pursuant to section 3313.532 of the Revised Code or	24399
division (H) or (L) of this section.	24400
(3) The person is not eligible to receive an honors	24401
diploma granted pursuant to division (B) of this section.	24402
Except as provided in divisions (C), (E), (J), and (L) of	24403
this section, no diploma shall be granted under this division to	24404
anyone except as provided under this division.	24405
(B) In lieu of a diploma granted under division (A) of	24406
this section, an honors diploma shall be granted, in accordance	24407
with rules of the state board <u>department of education and</u>	24408
<u>workforce</u> , by any such district board to anyone who accomplishes	24409
all of the following:	24410
(1) Successfully completes the curriculum in any high	24411
school or the individualized education program developed for the	24412
person by any high school pursuant to section 3323.08 of the	24413
Revised Code;	24414

(2) Subject to section 3313.614 of the Revised Code, has 24415
met the assessment requirements of division (B) (2) (a) or (b) of 24416
this section, as applicable. 24417

(a) If the person entered the ninth grade prior to July 1, 24418
2014, the person either: 24419

(i) Has attained at least the applicable scores designated 24420
under division (B) (1) of section 3301.0710 of the Revised Code 24421
on all the assessments required by that division; 24422

(ii) Has satisfied the alternative conditions prescribed 24423
in section 3313.615 of the Revised Code. 24424

(b) If the person entered the ninth grade on or after July 24425
1, 2014, the person has met the requirement prescribed under 24426
section 3313.618 of the Revised Code. 24427

(3) Has met additional criteria established by the ~~state-~~ 24428
~~board-department~~ for the granting of such a diploma. 24429

An honors diploma shall not be granted to a student who is 24430
subject to the requirements prescribed in division (C) of 24431
section 3313.603 of the Revised Code but elects the option of 24432
division (D) or (F) of that section. Except as provided in 24433
divisions (C), (E), and (J) of this section, no honors diploma 24434
shall be granted to anyone failing to comply with this division 24435
and no more than one honors diploma shall be granted to any 24436
student under this division. 24437

The ~~state-board-department~~ shall adopt rules prescribing 24438
the granting of honors diplomas under this division. These rules 24439
may prescribe the granting of honors diplomas that recognize a 24440
student's achievement as a whole or that recognize a student's 24441
achievement in one or more specific subjects or both. The rules 24442
may prescribe the granting of an honors diploma recognizing 24443

technical expertise for a career-technical student. In any case, 24444
the rules shall designate two or more criteria for the granting 24445
of each type of honors diploma the board establishes under this 24446
division and the number of such criteria that must be met for 24447
the granting of that type of diploma. The number of such 24448
criteria for any type of honors diploma shall be at least one 24449
less than the total number of criteria designated for that type 24450
and no one or more particular criteria shall be required of all 24451
persons who are to be granted that type of diploma. 24452

(C) Any district board administering any of the 24453
assessments required by section 3301.0710 of the Revised Code to 24454
any person requesting to take such assessment pursuant to 24455
division (B) (8) (b) of section 3301.0711 of the Revised Code 24456
shall award a diploma to such person if the person attains at 24457
least the applicable scores designated under division (B) (1) of 24458
section 3301.0710 of the Revised Code on all the assessments 24459
administered and if the person has previously attained the 24460
applicable scores on all the other assessments required by 24461
division (B) (1) of that section or has been exempted or excused 24462
from attaining the applicable score on any such assessment 24463
pursuant to division (H) or (L) of this section or from taking 24464
any such assessment pursuant to section 3313.532 of the Revised 24465
Code. 24466

(D) Each diploma awarded under this section shall be 24467
signed by the president and treasurer of the issuing board, the 24468
superintendent of schools, and the principal of the high school. 24469
Each diploma shall bear the date of its issue, be in such form 24470
as the district board prescribes, and be paid for out of the 24471
district's general fund. 24472

(E) A person who is a resident of Ohio and is eligible 24473

under ~~state board of education~~ the minimum standards of the 24474
director of education and workforce to receive a high school 24475
diploma based in whole or in part on credits earned while an 24476
inmate of a correctional institution operated by the state or 24477
any political subdivision thereof, shall be granted such diploma 24478
by the correctional institution operating the programs in which 24479
such credits were earned, and by the board of education of the 24480
school district in which the inmate resided immediately prior to 24481
the inmate's placement in the institution. The diploma granted 24482
by the correctional institution shall be signed by the director 24483
of the institution, and by the person serving as principal of 24484
the institution's high school and shall bear the date of issue. 24485

(F) Persons who are not residents of Ohio but who are 24486
inmates of correctional institutions operated by the state or 24487
any political subdivision thereof, and who are eligible under 24488
~~state board of education~~ the minimum standards of the director 24489
to receive a high school diploma based in whole or in part on 24490
credits earned while an inmate of the correctional institution, 24491
shall be granted a diploma by the correctional institution 24492
offering the program in which the credits were earned. The 24493
diploma granted by the correctional institution shall be signed 24494
by the director of the institution and by the person serving as 24495
principal of the institution's high school and shall bear the 24496
date of issue. 24497

(G) The ~~state board of education~~ department shall provide 24498
by rule for the administration of the assessments required by 24499
sections 3301.0710 and 3301.0712 of the Revised Code to inmates 24500
of correctional institutions. 24501

(H) Any person to whom all of the following apply shall be 24502
exempted from attaining the applicable score on the assessment 24503

in social studies designated under division (B) (1) of section 24504
3301.0710 of the Revised Code, any American history end-of- 24505
course examination and any American government end-of-course 24506
examination required under division (B) of section 3301.0712 of 24507
the Revised Code if such an exemption is prescribed by rule of 24508
the ~~state board~~ department under division (D) (3) of section 24509
3301.0712 of the Revised Code, or the test in citizenship 24510
designated under former division (B) of section 3301.0710 of the 24511
Revised Code as it existed prior to September 11, 2001: 24512

(1) The person is not a citizen of the United States; 24513

(2) The person is not a permanent resident of the United 24514
States; 24515

(3) The person indicates no intention to reside in the 24516
United States after the completion of high school. 24517

(I) Notwithstanding division (D) of section 3311.19 and 24518
division (D) of section 3311.52 of the Revised Code, this 24519
section and section 3313.611 of the Revised Code do not apply to 24520
the board of education of any joint vocational school district 24521
or any cooperative education school district established 24522
pursuant to divisions (A) to (C) of section 3311.52 of the 24523
Revised Code. 24524

(J) Upon receipt of a notice under division (D) of section 24525
3325.08 or division (D) of section 3328.25 of the Revised Code 24526
that a student has received a diploma under either section, the 24527
board of education receiving the notice may grant a high school 24528
diploma under this section to the student, except that such 24529
board shall grant the student a diploma if the student meets the 24530
graduation requirements that the student would otherwise have 24531
had to meet to receive a diploma from the district. The diploma 24532

granted under this section shall be of the same type the notice 24533
indicates the student received under section 3325.08 or 3328.25 24534
of the Revised Code. 24535

(K) As used in this division, "English learner" has the 24536
same meaning as in division (C) (3) of section 3301.0711 of the 24537
Revised Code. 24538

Notwithstanding division (C) (3) of section 3301.0711 of 24539
the Revised Code, no English learner who has not either attained 24540
the applicable scores designated under division (B) (1) of 24541
section 3301.0710 of the Revised Code on all the assessments 24542
required by that division, or met the requirement prescribed by 24543
section 3313.618 of the Revised Code, shall be awarded a diploma 24544
under this section. 24545

(L) (1) Any student described by division (A) (1) of this 24546
section who is subject to divisions (A) (1) to (3) of section 24547
3313.618 of the Revised Code may be awarded a diploma without 24548
meeting the requirements prescribed by those divisions provided 24549
an individualized education program specifically exempts the 24550
student from meeting such requirement. This division does not 24551
negate the requirement for a student to take the assessments 24552
prescribed by section 3301.0710 or under division (B) of section 24553
3301.0712 of the Revised Code, or alternate assessments required 24554
by division (C) (1) of section 3301.0711 of the Revised Code, for 24555
the purpose of assessing student progress as required by federal 24556
law. 24557

(2) Any student described by division (A) (1) of this 24558
section who is subject to division (B) of section 3313.618 of 24559
the Revised Code may be awarded a diploma without meeting the 24560
requirement prescribed by division (B) (1) of that section 24561
provided the student's individualized education program 24562

specifically exempts the student from meeting that requirement 24563
and either division (L) (2) (a) or (b) of this section applies to 24564
the student, as follows: 24565

(a) (i) The student took an alternate assessment in 24566
mathematics and English language arts administered to the 24567
student in accordance with division (C) (1) of section 3301.0711 24568
of the Revised Code and failed to attain a score established by 24569
the ~~state board~~ department on one or both assessments. 24570

(ii) The school district offered remedial support to the 24571
student in each subject area in which the student did not attain 24572
the established score and the student received that support. 24573

(iii) The student retook each alternate assessment in 24574
which the student did not attain the established score and the 24575
student did not attain the established score on the retake 24576
assessment. 24577

(b) (i) The student took the Algebra I and English language 24578
arts II end-of-course examinations and failed to attain the 24579
competency score as determined under division (B) (10) of section 24580
3301.0712 of the Revised Code on one or both examinations. 24581

(ii) The school district offered remedial support to the 24582
student in each subject area in which the student did not attain 24583
the competency score and the student received that support. 24584

(iii) The student retook each examination in which the 24585
student did not attain the competency score and the student did 24586
not attain the competency score on the retake examination. 24587

Sec. 3313.611. (A) The ~~state board~~ department of education 24588
and workforce shall adopt, by rule, standards for awarding high 24589
school credit equivalent to credit for completion of high school 24590
academic and vocational education courses to applicants for 24591

diplomas under this section. The standards may permit high	24592
school credit to be granted to an applicant for any of the	24593
following:	24594
(1) Work experiences or experiences as a volunteer;	24595
(2) Completion of academic, vocational, or self-	24596
improvement courses offered to persons over the age of twenty-	24597
one by a chartered public or nonpublic school;	24598
(3) Completion of academic, vocational, or self-	24599
improvement courses offered by an organization, individual, or	24600
educational institution other than a chartered public or	24601
nonpublic school;	24602
(4) Other life experiences considered by the board to	24603
provide knowledge and learning experiences comparable to that	24604
gained in a classroom setting.	24605
(B) The board of education of any city, exempted village,	24606
or local school district that operates a high school shall grant	24607
a diploma of adult education to any applicant if all of the	24608
following apply:	24609
(1) The applicant is a resident of the district;	24610
(2) The applicant is over the age of twenty-one and has	24611
not been issued a diploma as provided in section 3313.61 of the	24612
Revised Code;	24613
(3) Subject to section 3313.614 of the Revised Code, the	24614
applicant has met the assessment requirements of division (B) (3)	24615
(a) or (b) of this section, as applicable.	24616
(a) Prior to July 1, 2014, the applicant either:	24617
(i) Has attained the applicable scores designated under	24618

division (B) (1) of section 3301.0710 of the Revised Code on all 24619
of the assessments required by that division or was excused or 24620
exempted from any such assessment pursuant to section 3313.532 24621
or was exempted from attaining the applicable score on any such 24622
assessment pursuant to division (H) or (L) of section 3313.61 of 24623
the Revised Code; 24624

(ii) Has satisfied the alternative conditions prescribed 24625
in section 3313.615 of the Revised Code. 24626

(b) On or after July 1, 2014, has met the requirement 24627
prescribed by section 3313.618 of the Revised Code, except and 24628
only to the extent that the applicant is excused from some 24629
portion of that section pursuant to section 3313.532 of the 24630
Revised Code or division (H) or (L) of section 3313.61 of the 24631
Revised Code. 24632

(4) The district board determines, in accordance with the 24633
standards adopted under division (A) of this section, that the 24634
applicant has attained sufficient high school credits, including 24635
equivalent credits awarded under such standards, to qualify as 24636
having successfully completed the curriculum required by the 24637
district for graduation. 24638

(C) If a district board determines that an applicant is 24639
not eligible for a diploma under division (B) of this section, 24640
it shall inform the applicant of the reason the applicant is 24641
ineligible and shall provide a list of any courses required for 24642
the diploma for which the applicant has not received credit. An 24643
applicant may reapply for a diploma under this section at any 24644
time. 24645

(D) If a district board awards an adult education diploma 24646
under this section, the president and treasurer of the board and 24647

the superintendent of schools shall sign it. Each diploma shall 24648
bear the date of its issuance, be in such form as the district 24649
board prescribes, and be paid for from the district's general 24650
fund, except that the ~~state board~~ department may by rule 24651
prescribe standard language to be included on each diploma. 24652

(E) As used in this division, "English learner" has the 24653
same meaning as in division (C) (3) of section 3301.0711 of the 24654
Revised Code. 24655

Notwithstanding division (C) (3) of section 3301.0711 of 24656
the Revised Code, no English learner who has not either attained 24657
the applicable scores designated under division (B) (1) of 24658
section 3301.0710 of the Revised Code on all the assessments 24659
required by that division, or has not met the requirement 24660
prescribed by section 3313.618 of the Revised Code, shall be 24661
awarded a diploma under this section. 24662

Sec. 3313.612. (A) No nonpublic school chartered by the 24663
~~state board~~ director of education and workforce shall grant a 24664
high school diploma to any person unless, subject to section 24665
3313.614 of the Revised Code, the person has met the assessment 24666
requirements of division (A) (1) or (2) of this section, as 24667
applicable. 24668

(1) If the person entered the ninth grade prior to July 1, 24669
2014, the person has attained at least the applicable scores 24670
designated under division (B) (1) of section 3301.0710 of the 24671
Revised Code on all the assessments required by that division, 24672
or has satisfied the alternative conditions prescribed in 24673
section 3313.615 of the Revised Code. 24674

(2) If the person entered the ninth grade on or after July 24675
1, 2014, the person has met the requirement prescribed by 24676

section 3313.618 or 3313.619 of the Revised Code. 24677

(B) This section does not apply to any of the following: 24678

(1) Any person with regard to any assessment from which 24679
the person was excused pursuant to division (C) (1) (c) of section 24680
3301.0711 of the Revised Code; 24681

(2) Except as provided in division (B) (4) of this section, 24682
any person who attends a nonpublic school accredited through the 24683
independent schools association of the central states, except 24684
for a student attending the school under a state scholarship 24685
program as defined in section 3301.0711 of the Revised Code; 24686

(3) Any person with regard to the social studies 24687
assessment under division (B) (1) of section 3301.0710 of the 24688
Revised Code, any American history end-of-course examination and 24689
any American government end-of-course examination required under 24690
division (B) of section 3301.0712 of the Revised Code if such an 24691
exemption is prescribed by rule of the ~~state board~~ department of 24692
education and workforce under division (D) (3) of section 24693
3301.0712 of the Revised Code, or the citizenship test under 24694
former division (B) of section 3301.0710 of the Revised Code as 24695
it existed prior to September 11, 2001, if all of the following 24696
apply: 24697

(a) The person is not a citizen of the United States; 24698

(b) The person is not a permanent resident of the United 24699
States; 24700

(c) The person indicates no intention to reside in the 24701
United States after completion of high school. 24702

(4) Any person who attends a chartered nonpublic school 24703
that satisfies the requirements of division (L) (4) of section 24704

3301.0711 of the Revised Code. In the case of such a student, 24705
the student's chartered nonpublic school shall determine the 24706
student's eligibility for graduation based on the standards of 24707
the school's accrediting body. 24708

(C) As used in this division, "English learner" has the 24709
same meaning as in division (C) (3) of section 3301.0711 of the 24710
Revised Code. 24711

Notwithstanding division (C) (3) of section 3301.0711 of 24712
the Revised Code, no English learner who has not either attained 24713
the applicable scores designated under division (B) (1) of 24714
section 3301.0710 of the Revised Code on all the assessments 24715
required by that division, or met the requirement prescribed by 24716
section 3313.618 or 3313.619 of the Revised Code, shall be 24717
awarded a diploma under this section. 24718

(D) The ~~state board~~ department shall not impose additional 24719
requirements or assessments for the granting of a high school 24720
diploma under this section that are not prescribed by this 24721
section. 24722

(E) The department ~~of education~~ shall furnish the 24723
assessment administered by a nonpublic school pursuant to 24724
division (B) (1) of section 3301.0712 of the Revised Code. 24725

Sec. 3313.614. (A) As used in this section, a person 24726
"fulfills the curriculum requirement for a diploma" at the time 24727
one of the following conditions is satisfied: 24728

(1) The person successfully completes the high school 24729
curriculum of a school district, a community school, a chartered 24730
nonpublic school, or a correctional institution. 24731

(2) The person successfully completes the individualized 24732
education program developed for the person under section 3323.08 24733

of the Revised Code. 24734

(3) A board of education issues its determination under 24735
section 3313.611 of the Revised Code that the person qualifies 24736
as having successfully completed the curriculum required by the 24737
district. 24738

(B) This division specifies the assessment requirements 24739
that must be fulfilled as a condition toward granting high 24740
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24741
3325.08 of the Revised Code. 24742

(1) A person who fulfills the curriculum requirement for a 24743
diploma before September 15, 2000, is not required to pass any 24744
proficiency test or achievement test in science as a condition 24745
to receiving a diploma. 24746

(2) A person who began ninth grade for the first time 24747
prior to July 1, 2003, is not required to pass the Ohio 24748
graduation test prescribed under division (B)(1) of section 24749
3301.0710 or any assessment prescribed under division (B)(2) of 24750
that section in any subject as a condition to receiving a 24751
diploma once the person has passed the ninth grade proficiency 24752
test in the same subject, so long as the person passed the ninth 24753
grade proficiency test prior to September 15, 2008. However, any 24754
such person who passes the Ohio graduation test in any subject 24755
prior to passing the ninth grade proficiency test in the same 24756
subject shall be deemed to have passed the ninth grade 24757
proficiency test in that subject as a condition to receiving a 24758
diploma. For this purpose, the ninth grade proficiency test in 24759
citizenship substitutes for the Ohio graduation test in social 24760
studies. If a person began ninth grade prior to July 1, 2003, 24761
but does not pass a ninth grade proficiency test or the Ohio 24762
graduation test in a particular subject before September 15, 24763

2008, and passage of a test in that subject is a condition for 24764
the person to receive a diploma, the person must pass the Ohio 24765
graduation test instead of the ninth grade proficiency test in 24766
that subject to receive a diploma. 24767

(3) (a) Except as provided in division (B) (3) (b) of this 24768
section, a person who begins ninth grade for the first time on 24769
or after July 1, 2003, in a school district, community school, 24770
or chartered nonpublic school is not eligible to receive a 24771
diploma based on passage of ninth grade proficiency tests. Each 24772
such person who begins ninth grade prior to July 1, 2014, must 24773
pass Ohio graduation tests to meet the assessment requirements 24774
applicable to that person as a condition to receiving a diploma 24775
or satisfy one of the conditions prescribed in division (B) (3) 24776
(b) of this section. 24777

(b) A person who began ninth grade for the first time 24778
prior to July 1, 2014, shall be eligible to receive a diploma if 24779
the person meets the requirement prescribed by section 3313.618 24780
or 3313.619 of the Revised Code. 24781

(c) A person who began ninth grade for the first time 24782
prior to July 1, 2014, and who has not attained at least the 24783
applicable scores designated under division (B) (1) of section 24784
3301.0710 of the Revised Code on all the assessments required by 24785
that division shall be eligible to receive a diploma if the 24786
person meets the requirement prescribed by rule of the ~~state-~~ 24787
~~board-~~department of education and workforce as prescribed under 24788
division (B) (3) (d) of this section. 24789

(d) ~~Not later than December 31, 2015, the state board of~~ 24790
~~education-~~The department shall adopt rules prescribing the 24791
manner in which a person who began ninth grade for the first 24792
time prior to July 1, 2014, may be eligible for a high school 24793

diploma by combining the requirement prescribed by section 24794
3313.618 or 3313.619 of the Revised Code and the requirement to 24795
attain at least the applicable scores designated under division 24796
(B) (1) of section 3301.0710 of the Revised Code on the 24797
assessments required by that division. The rules shall ensure 24798
that the combined requirements require a demonstration of 24799
mastery that is equivalent or greater to the expectations of the 24800
assessments prescribed by division (B) (1) of section 3301.0710 24801
of the Revised Code. The rules shall include the following: 24802

(i) The date by which a person who began ninth grade for 24803
the first time prior to July 1, 2014, may be eligible for a high 24804
school diploma under division (B) (3) (c) of this section; 24805

(ii) Methods of replacing individual assessments 24806
prescribed by division (B) (1) of section 3301.0710 of the 24807
Revised Code; 24808

(iii) Methods of integrating the pathways prescribed by 24809
division (A) of section 3313.618 or section 3313.619 of the 24810
Revised Code. 24811

(4) Except as provided in division (B) (3) (b) of this 24812
section, a person who begins ninth grade on or after July 1, 24813
2014, is not eligible to receive a diploma based on passage of 24814
the Ohio graduation tests. Each such person must meet the 24815
requirement prescribed by section 3313.618 or 3313.619 of the 24816
Revised Code. 24817

(C) This division specifies the curriculum requirement 24818
that shall be completed as a condition toward granting high 24819
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24820
3325.08 of the Revised Code. 24821

(1) A person who is under twenty-two years of age when the 24822

person fulfills the curriculum requirement for a diploma shall 24823
complete the curriculum required by the school district or 24824
school issuing the diploma for the first year that the person 24825
originally enrolled in high school, except for a person who 24826
qualifies for graduation from high school under either division 24827
(D) or (F) of section 3313.603 of the Revised Code. 24828

(2) Once a person fulfills the curriculum requirement for 24829
a diploma, the person is never required, as a condition of 24830
receiving a diploma, to meet any different curriculum 24831
requirements that take effect pending the person's passage of 24832
proficiency tests or achievement tests or assessments, including 24833
changes mandated by section 3313.603 of the Revised Code, the 24834
~~state board department~~, a school district board of education, or 24835
a governing authority of a community school or chartered 24836
nonpublic school. 24837

Sec. 3313.615. This section shall apply to diplomas 24838
awarded after September 15, 2006, to students who are required 24839
to take the five Ohio graduation tests prescribed by division 24840
(B) (1) of section 3301.0710 of the Revised Code. This section 24841
does not apply to any student who enters ninth grade for the 24842
first time on or after July 1, 2014. 24843

(A) As an alternative to the requirement that a person 24844
attain the scores designated under division (B) (1) of section 24845
3301.0710 of the Revised Code on all the assessments required 24846
under that division in order to be eligible for a high school 24847
diploma or an honors diploma under sections 3313.61, 3313.612, 24848
or 3325.08 of the Revised Code or for a diploma of adult 24849
education under section 3313.611 of the Revised Code, a person 24850
who has attained at least the applicable scores designated under 24851
division (B) (1) of section 3301.0710 of the Revised Code on all 24852

but one of the assessments required by that division and from 24853
which the person was not excused or exempted, pursuant to 24854
division (L) of section 3313.61, division (B) (1) of section 24855
3313.612, or section 3313.532 of the Revised Code, may be 24856
awarded a diploma or honors diploma if the person has satisfied 24857
all of the following conditions: 24858

(1) On the one assessment required under division (B) (1) 24859
of section 3301.0710 of the Revised Code for which the person 24860
failed to attain the designated score, the person missed that 24861
score by ten points or less; 24862

(2) Has a ninety-seven per cent school attendance rate in 24863
each of the last four school years, excluding any excused 24864
absences; 24865

(3) Has not been expelled from school under section 24866
3313.66 of the Revised Code in any of the last four school 24867
years; 24868

(4) Has a grade point average of at least 2.5 out of 4.0, 24869
or its equivalent as designated in rules adopted by the ~~state-~~ 24870
~~board~~ department of education and workforce, in the subject area 24871
of the assessment required under division (B) (1) of section 24872
3301.0710 of the Revised Code for which the person failed to 24873
attain the designated score; 24874

(5) Has completed the high school curriculum requirements 24875
prescribed in section 3313.603 of the Revised Code or has 24876
qualified under division (D) or (F) of that section; 24877

(6) Has taken advantage of any intervention programs 24878
provided by the school district or school in the subject area 24879
described in division (A) (4) of this section and has a ninety- 24880
seven per cent attendance rate, excluding any excused absences, 24881

in any of those programs that are provided at times beyond the 24882
normal school day, school week, or school year or has received 24883
comparable intervention services from a source other than the 24884
school district or school; 24885

(7) Holds a letter recommending graduation from each of 24886
the person's high school teachers in the subject area described 24887
in division (A) (4) of this section and from the person's high 24888
school principal. 24889

(B) The ~~state board of education~~ department shall 24890
establish rules designating grade point averages equivalent to 24891
the average specified in division (A) (4) of this section for use 24892
by school districts and schools with different grading systems. 24893

(C) Any student who is exempt from attaining the 24894
applicable score designated under division (B) (1) of section 24895
3301.0710 of the Revised Code on the Ohio graduation test in 24896
social studies pursuant to division (H) of section 3313.61 or 24897
division (B) (3) of section 3313.612 of the Revised Code shall 24898
not qualify for a high school diploma under this section, 24899
unless, notwithstanding the exemption, the student attains the 24900
applicable score on that assessment. If the student attains the 24901
applicable score on that assessment, the student may qualify for 24902
a diploma under this section in the same manner as any other 24903
student who is required to take the five Ohio graduation tests 24904
prescribed by division (B) (1) of section 3301.0710 of the 24905
Revised Code. 24906

Sec. 3313.618. (A) In addition to the curriculum 24907
requirements specified by the board of education of a school 24908
district or governing authority of a chartered nonpublic school, 24909
each student entering ninth grade for the first time on or after 24910
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 24911

one of the following conditions or the conditions prescribed 24912
under division (B) of this section in order to qualify for a 24913
high school diploma: 24914

(1) Be remediation-free, in accordance with standards 24915
adopted under division (F) of section 3345.061 of the Revised 24916
Code, on each of the nationally standardized assessments in 24917
English, mathematics, and reading; 24918

(2) Attain a score specified under division (B) (5) (c) of 24919
section 3301.0712 of the Revised Code on the end-of-course 24920
examinations prescribed under division (B) of section 3301.0712 24921
of the Revised Code. 24922

(3) Attain a score that demonstrates workforce readiness 24923
and employability on a nationally recognized job skills 24924
assessment selected by the ~~state board~~ department of education 24925
and workforce under division ~~(G)~~ (F) of section 3301.0712 of the 24926
Revised Code and obtain either an industry-recognized credential 24927
or a license issued by a state agency or board for practice in a 24928
vocation that requires an examination for issuance of that 24929
license. 24930

For the purposes of this division, the industry-recognized 24931
credentials and licenses shall be as approved under section 24932
3313.6113 of the Revised Code. 24933

A student may choose to qualify for a high school diploma 24934
by satisfying any of the separate requirements prescribed by 24935
divisions (A) (1) to (3) of this section. If the student's school 24936
district or school does not administer the examination 24937
prescribed by one of those divisions that the student chooses to 24938
take to satisfy the requirements of this section, the school 24939
district or school may require that student to arrange for the 24940

applicable scores to be sent directly to the district or school 24941
by the company or organization that administers the examination. 24942

(B) In addition to the curriculum requirements specified 24943
by the district board or school governing authority, each 24944
student entering ninth grade for the first time on or after July 24945
1, 2019, shall satisfy the following conditions in order to 24946
qualify for a high school diploma: 24947

(1) Except as otherwise provided in division (D) of this 24948
section, attain a competency score as determined under division 24949
(B)(10) of section 3301.0712 of the Revised Code on each of the 24950
Algebra I and English language arts II end-of-course 24951
examinations prescribed under division (B)(2) of section 24952
3301.0712 of the Revised Code. 24953

School districts and chartered nonpublic schools shall 24954
offer remedial support to any student who fails to attain a 24955
competency score on one or both of the Algebra I and English 24956
language arts II end-of-course examinations. 24957

Following the first administration of the exam, if a 24958
student fails to attain a competency score on one or both of the 24959
Algebra I and English language arts II end-of-course 24960
examinations that student must retake the respective examination 24961
at least once. 24962

If a student fails to attain a competency score on a 24963
retake examination, the student may demonstrate competency in 24964
the failed subject area through one of the following options: 24965

(a) Earn course credit taken through the college credit 24966
plus program established under Chapter 3365. of the Revised Code 24967
in the failed subject area; 24968

(b) Complete two of the following options, one of which 24969

must be foundational: 24970

(i) Foundational options to demonstrate competency, which 24971
include earning a cumulative score of proficient or higher on 24972
three or more state technical assessments aligned with section 24973
3313.903 of the Revised Code in a single career pathway, 24974
obtaining an industry-recognized credential, or group of 24975
credentials, approved under section 3313.6113 of the Revised 24976
Code that is at least equal to the total number of points 24977
established under that section to qualify for a high school 24978
diploma, obtaining a license approved under section 3313.6113 of 24979
the Revised Code that is issued by a state agency or board for 24980
practice in a vocation that requires an examination for issuance 24981
of that license, completing a pre-apprenticeship aligned with 24982
options established under section 3313.904 of the Revised Code 24983
in the student's chosen career field, completing an 24984
apprenticeship registered with the apprenticeship council 24985
established under section 4139.02 of the Revised Code in the 24986
student's chosen career field, or providing evidence of 24987
acceptance into an apprenticeship program after high school that 24988
is restricted to participants eighteen years of age or older; 24989

(ii) Supporting options to demonstrate competency, which 24990
include completing two hundred fifty hours of a work-based 24991
learning experience with evidence of positive evaluations, 24992
obtaining an OhioMeansJobs-readiness seal under section 24993
3313.6112 of the Revised Code, or attaining a workforce 24994
readiness score, as determined by the ~~department of education,~~ 24995
on the nationally recognized job skills assessment selected by 24996
the ~~state board department~~ under division ~~(G)~~ (F) of section 24997
3301.0712 of the Revised Code. 24998

(c) Provide evidence that the student has enlisted in a 24999

branch of the armed services of the United States as defined in	25000
section 5910.01 of the Revised Code.	25001
(d) Be remediation-free, in accordance with standards	25002
adopted under division (F) of section 3345.061 of the Revised	25003
Code, in the failed subject area on a nationally standardized	25004
assessment prescribed under division (B) (1) of section 3301.0712	25005
of the Revised Code. For English language arts II, a student	25006
must be remediation-free in the subjects of English and reading	25007
on the nationally standardized assessment.	25008
Subject to division (L) (2) of section 3313.61 of the	25009
Revised Code, for any students receiving special education and	25010
related services under Chapter 3323. of the Revised Code, the	25011
individualized education program developed for the student under	25012
that chapter shall specify the manner in which the student will	25013
participate in the assessments administered under this division	25014
or an alternate assessment in accordance with division (C) (1) of	25015
section 3301.0711 of the Revised Code.	25016
(2) Earn at least two of the state diploma seals	25017
prescribed under division (A) of section 3313.6114 of the	25018
Revised Code, at least one of which shall be any of the	25019
following:	25020
(a) The state seal of biliteracy established under section	25021
3313.6111 of the Revised Code;	25022
(b) The OhioMeansJobs-readiness seal established under	25023
section 3313.6112 of the Revised Code;	25024
(c) One of the state diploma seals established under	25025
divisions (C) (1) to (7) of section 3313.6114 of the Revised	25026
Code.	25027
(C) A student who transfers into an Ohio public or	25028

chartered nonpublic high school from another state or enrolls in 25029
such a high school after receiving home ~~instruction~~ education or 25030
attending a nonchartered, nontax-supported school in the 25031
previous school year shall meet the requirements of division (B) 25032
of this section in order to qualify for a high school diploma 25033
under that division. However, any such student who transfers or 25034
enrolls after the start of the student's twelfth grade year and 25035
fails to attain a competency score on the Algebra I or English 25036
language arts II end-of-course examination shall not be required 25037
to retake the applicable examination prior to demonstrating 25038
competency in the failed subject area under the options 25039
prescribed in divisions (B) (1) (a) to (d) of this section. 25040

(D) A chartered nonpublic school student subject to 25041
division (L) (3) (a) (ii) of section 3301.0711 of the Revised Code 25042
shall be considered to have demonstrated competency for the 25043
purposes of division (B) (1) of this section if the student earns 25044
a remediation-free score in the areas of English, mathematics, 25045
and reading, in accordance with standards adopted under division 25046
(F) of section 3345.061 of the Revised Code, on a nationally 25047
standardized assessment prescribed under division (B) (1) of 25048
section 3301.0712 of the Revised Code. No such student shall be 25049
required to take the Algebra I or English language arts II end- 25050
of-course examination under this section. 25051

(E) The ~~state board of education~~ department shall not 25052
create or require any additional assessment for the granting of 25053
any type of high school diploma other than as prescribed by this 25054
section. Except as provided in sections 3313.6111, 3313.6112, 25055
and 3313.6114 of the Revised Code, the ~~state board~~ department or 25056
the ~~superintendent of public instruction~~ director of education 25057
and workforce shall not create any endorsement or designation 25058
that may be affiliated with a high school diploma. 25059

Sec. 3313.619. (A) In lieu of the assessment requirements 25060
prescribed by division (A) of section 3313.618 of the Revised 25061
Code or the requirements to demonstrate competency and earn 25062
diploma seals prescribed by division (B) of that section, a 25063
chartered nonpublic school may grant a high school diploma to a 25064
student who attains at least the designated score on an 25065
assessment approved by the department of education and workforce 25066
under division (B) of this section and selected by the school's 25067
governing authority. 25068

(B) For purposes of division (A) of this section, the 25069
department shall approve assessments that meet the conditions 25070
specified under division (C) of this section and shall designate 25071
passing scores for each of those assessments. 25072

(C) Each assessment approved under division (B) of this 25073
section shall be nationally norm-referenced, have internal 25074
consistency reliability coefficients of at least "0.8," be 25075
standardized, have specific evidence of content, concurrent, or 25076
criterion validity, have evidence of norming studies in the 25077
previous ten years, have a measure of student achievement in 25078
core academic areas, and have high validity evidenced by the 25079
alignment of the assessment with nationally recognized content. 25080

(D) Nothing in this section shall prohibit a chartered 25081
nonpublic school from granting a high school diploma to a 25082
student if the student satisfies the applicable requirements 25083
prescribed by section 3313.618 of the Revised Code. 25084

Sec. 3313.6110. (A) A person who has completed the final 25085
year of instruction at home, as authorized under section ~~3321.04~~ 25086
3321.042 of the Revised Code, and has successfully fulfilled the 25087
high school curriculum applicable to that person may be granted 25088
a high school diploma by the person's parent, guardian, or other 25089

person having charge or care of a child, as defined in division 25090
(A) (1) of section 3321.01 of the Revised Code. 25091

~~(B) Beginning with diplomas issued on or after July 1, 25092
2015, each diploma granted under division (A) of this section 25093
shall be accompanied by the official letter of excuse issued by 25094
the district superintendent for the student's final year of home 25095
education. 25096~~

~~(C)~~ A person who has graduated from a nonchartered 25097
nonpublic school in Ohio and who has successfully fulfilled that 25098
school's high school curriculum may be granted a high school 25099
diploma by the governing authority of that school. 25100

~~(D)~~ (C) Notwithstanding anything in the Revised Code to 25101
the contrary, a diploma granted under this section shall serve 25102
as proof of the successful completion of that person's 25103
applicable high school curriculum and satisfactory to fulfill 25104
any legal requirement to show such proof. 25105

~~(E)~~ (D) For the purposes of an application for employment, 25106
a diploma granted under this section shall be considered proof 25107
of completion of a high school education, regardless of whether 25108
the person to which the diploma was granted participated in the 25109
assessments prescribed by division (A) (1) or (B) (1) or (2) of 25110
section 3301.0710 and section 3301.0712 of the Revised Code. 25111

~~(F)~~ (E) A diploma granted under division (A) of this 25112
section may include a state seal of biliteracy, an 25113
OhioMeansJobs-readiness seal, or a state diploma seal that may 25114
be assigned to the student's diploma, by the parent, guardian, 25115
or other person having charge or care of the student, in the 25116
same manner as prescribed for diplomas and transcripts issued by 25117
school districts and chartered nonpublic schools under sections 25118

3313.6111, 3113.6112, and 3313.6114 of the Revised Code. 25119

Sec. 3313.6111. (A) The ~~state board~~ department of 25120
education and workforce shall establish the state seal of 25121
biliteracy, which may be attached or affixed to the high school 25122
transcript of a student enrolled in a public or chartered 25123
nonpublic school. The state seal of biliteracy shall demonstrate 25124
the attainment of a high level of proficiency by a graduate of a 25125
public or chartered nonpublic high school in one or more 25126
languages in addition to English, sufficient for meaningful use 25127
in college and a career. The purpose of the state seal of 25128
biliteracy shall be to: 25129

(1) Encourage students to study languages; 25130

(2) Certify the attainment of biliteracy; 25131

(3) Provide employers with a method of identifying 25132
individuals with language and biliteracy skills; 25133

(4) Provide institutions of higher education with an 25134
additional method to recognize applicants for admission; 25135

(5) Prepare students with twenty-first century skills; 25136

(6) Recognize the value of foreign language and native 25137
language instruction in public schools; and 25138

(7) Strengthen inter-group relationships, affirm the value 25139
of diversity, and honor the multiple cultures and languages of a 25140
community. 25141

(B) (1) A school district, community school established 25142
under Chapter 3314. of the Revised Code, STEM school established 25143
under Chapter 3326. of the Revised Code, college-preparatory 25144
boarding school established under Chapter 3328. of the Revised 25145
Code, or chartered nonpublic school may attach or affix the 25146

state seal of biliteracy to the transcript of a student enrolled 25147
in the school who meets the requirements prescribed under 25148
division (C) (1) of this section. A district or school shall not 25149
be required to attach or affix the state seal of biliteracy on 25150
the transcript of a student enrolled in the school. 25151

(2) Each school district, community school, STEM school, 25152
college-preparatory boarding school, and chartered nonpublic 25153
school shall maintain appropriate records to identify students 25154
who have completed the requirements for earning a state seal of 25155
biliteracy as prescribed under division (C) (1) of this section, 25156
and if the district or school has a policy of attaching or 25157
affixing the state seal of biliteracy to student transcripts, 25158
the district or school shall make the appropriate designation on 25159
the transcript of a student who completes the requirements. 25160

(C) ~~The state board of education~~ department shall do the 25161
following: 25162

(1) Establish the requirements and criteria for earning a 25163
state seal of biliteracy, including assessments of foreign 25164
language and English proficiency. 25165

(2) ~~Direct the department of education to prepare~~ Prepare 25166
and deliver to participating school districts, community 25167
schools, STEM schools, college-preparatory boarding schools, and 25168
chartered nonpublic schools an appropriate mechanism for 25169
assigning a state seal of biliteracy on a student's transcript 25170
indicating that the student has been assigned the seal; 25171

(3) ~~Direct the department to provide~~ Provide any other 25172
information ~~the state board~~ it considers necessary for school 25173
districts, community schools, STEM schools, college-preparatory 25174
boarding schools, and chartered nonpublic schools to participate 25175

in the assigning of a state seal of biliteracy; 25176

(4) Adopt rules in accordance with Chapter 119. of the 25177
Revised Code to implement the provisions of this section. 25178

(D) A student shall not be charged a fee to be assigned a 25179
state seal of biliteracy on their transcript. A student may be 25180
required to pay a fee to demonstrate proficiency in a language, 25181
including the cost of a standardized test to determine 25182
proficiency in a language. 25183

(E) As used in this section, "foreign language" refers to 25184
any language other than English, including modern languages, 25185
Latin, American sign language, native American languages, and 25186
native languages. 25187

Sec. 3313.6112. (A) The ~~superintendent of public~~ 25188
instruction department of education and workforce, in 25189
consultation with the chancellor of higher education and the 25190
governor's office of workforce transformation, shall establish 25191
the OhioMeansJobs-readiness seal, which may be attached or 25192
affixed to the high school diploma and transcript of a student 25193
enrolled in a public or chartered nonpublic school. 25194

(B) A school district, community school established under 25195
Chapter 3314. of the Revised Code, STEM school established under 25196
Chapter 3326. of the Revised Code, college-preparatory boarding 25197
school established under Chapter 3328. of the Revised Code, or 25198
chartered nonpublic school shall attach or affix the 25199
OhioMeansJobs-readiness seal to the diploma and transcript of a 25200
student enrolled in the school who meets the requirements 25201
prescribed under division (C) (1) of this section. 25202

(C) The ~~state superintendent~~ department of education and 25203
workforce, in consultation with the chancellor and the 25204

governor's office of workforce transformation, shall do the 25205
following: 25206

(1) Establish the requirements and criteria for earning an 25207
OhioMeansJobs-readiness seal, including demonstration of work- 25208
readiness and work ethic competencies such as teamwork, problem- 25209
solving, reliability, punctuality, and computer technology 25210
competency; 25211

(2) Develop a standardized form for students to complete 25212
and have validated prior to graduation by at least three 25213
individuals, each of whom must be an employer, teacher, business 25214
mentor, community leader, faith-based leader, school leader, or 25215
coach of the student; 25216

(3) Prepare and deliver to all school districts, community 25217
schools, STEM schools, college-preparatory boarding schools, and 25218
chartered nonpublic schools an appropriate mechanism for 25219
assigning an OhioMeansJobs-readiness seal on a student's diploma 25220
and transcript indicating that the student has been assigned the 25221
seal; 25222

(4) Provide any other information the ~~state superintendent~~ 25223
department considers necessary for school districts, community 25224
schools, STEM schools, college-preparatory boarding schools, and 25225
chartered nonpublic schools to assign an OhioMeansJobs-readiness 25226
seal. 25227

(D) A student shall not be charged a fee to be assigned an 25228
OhioMeansJobs-readiness seal on the student's diploma and 25229
transcript. 25230

Sec. 3313.6113. (A) The ~~superintendent of public~~ 25231
instruction director of education and workforce, in collaboration 25232
with the governor's office of workforce transformation and 25233

representatives of business organizations, shall establish a 25234
committee to develop a list of industry-recognized credentials 25235
and licenses that may be used to qualify for a high school 25236
diploma under section 3313.618 of the Revised Code and shall be 25237
used for state report card purposes under section 3302.03 of the 25238
Revised Code. ~~The state superintendent shall appoint the members~~ 25239
~~of the committee not later than January 1, 2018.~~ 25240

(B) The committee shall do the following: 25241

(1) Establish criteria for acceptable industry-recognized 25242
credentials and licenses aligned with the in-demand jobs list 25243
published by the department of job and family services; 25244

(2) Review the list of industry-recognized credentials and 25245
licenses that was in existence on January 1, 2018, and update 25246
the list as it considers necessary; 25247

(3) Review and update the list of industry-recognized 25248
credentials and licenses at least biennially; 25249

(4) Assign a point value for each industry-recognized 25250
credential and establish the total number of points for 25251
industry-recognized credentials that a student must earn to 25252
qualify for a high school diploma under sections 3313.618 and 25253
3313.6114 of the Revised Code; 25254

(5) Update the list of industry-recognized credentials to 25255
include a driver's license obtained by a student through a 25256
driver education course offered by a school district in 25257
accordance with section 3301.17 of the Revised Code. 25258

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 25259
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 25260
department of education and workforce shall include only those 25261
students who earn an industry-recognized credential, or group of 25262

credentials, at least equal to the total number of points 25263
established by the committee under this section to qualify for a 25264
high school diploma. 25265

Sec. 3313.6114. (A) The ~~state board~~department of 25266
education and workforce shall establish a system of state 25267
diploma seals for the purposes of allowing a student to qualify 25268
for graduation under section 3313.618 of the Revised Code. State 25269
diploma seals may be attached or affixed to the high school 25270
diploma of a student enrolled in a public or chartered nonpublic 25271
school. The system of state diploma seals shall consist of all 25272
of the following: 25273

(1) The state seal of biliteracy established under section 25274
3313.6111 of the Revised Code; 25275

(2) The OhioMeansJobs-readiness seal established under 25276
section 3313.6112 of the Revised Code; 25277

(3) The state diploma seals prescribed under division (C) 25278
of this section. 25279

(B) A school district, community school established under 25280
Chapter 3314. of the Revised Code, STEM school established under 25281
Chapter 3326. of the Revised Code, college-preparatory boarding 25282
school established under Chapter 3328. of the Revised Code, or 25283
chartered nonpublic school shall attach or affix the state seals 25284
prescribed under division (C) of this section to the diploma and 25285
transcript of a student enrolled in the district or school who 25286
meets the requirements established under that division. 25287

(C) The ~~state board~~department shall establish all of the 25288
following state diploma seals: 25289

(1) An industry-recognized credential seal. A student 25290
shall meet the requirement for this seal by doing either of the 25291

following:	25292
(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is both of the following:	25293 25294 25295
(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;	25296 25297 25298
(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.	25299 25300 25301
(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.	25302 25303 25304 25305
(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, 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.	25306 25307 25308 25309 25310 25311
(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following:	25312 25313
(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;	25314 25315 25316
(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.	25317 25318 25319

(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:	25320 25321
(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;	25322 25323 25324 25325 25326
(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;	25327 25328 25329 25330 25331 25332
(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:	25333 25334 25335
(i) An American history course and an American government course that are offered by the student's high school;	25336 25337
(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.	25338 25339 25340
(d) In the case of a student who takes an alternate assessment in accordance with division (C) (1) of section 3301.0711 of the Revised Code, attaining a score established by the state board <u>department</u> on the alternate assessment in social studies;	25341 25342 25343 25344 25345
(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school	25346 25347 25348

after receiving home ~~instruction~~education or attending a 25349
nonchartered, nontax-supported school in the previous school 25350
year, attaining a final course grade that is the equivalent of a 25351
"B" or higher in courses that correspond with the American 25352
history and American government end-of-course examinations and 25353
that the student completed in the state from which the student 25354
transferred or completed while receiving home ~~instruction~~education or attending a nonchartered, nontax-supported school. 25355
25356
Division (C) (4) (e) of this section does not apply to any such 25357
student with respect to an American history or American 25358
government course for which an end-of-course examination is 25359
associated that the student takes after enrolling in the high 25360
school. 25361

(5) A science seal. A student shall meet the requirement 25362
for this seal by doing any of the following: 25363

(a) Demonstrating at least a proficient level of skill as 25364
prescribed under division (B) (5) (a) of section 3301.0712 of the 25365
Revised Code on the science end-of-course examination prescribed 25366
under division (B) (2) of section 3301.0712 of the Revised Code; 25367

(b) Attaining a score level prescribed under division (B) 25368
(5) (d) of section 3301.0712 of the Revised Code that is at least 25369
the equivalent of a proficient level of skill in an appropriate 25370
advanced placement or international baccalaureate examination in 25371
lieu of the science end-of-course examination; 25372

(c) In lieu of the science end-of-course examination, 25373
attaining a final course grade that is the equivalent of a "B" 25374
or higher in either: 25375

(i) A science course listed in divisions (C) (5) (c) (i) to 25376
(iii) of section 3313.603 of the Revised Code that is offered by 25377

the student's high school; 25378

(ii) An appropriate course taken through the college 25379
credit plus program established under Chapter 3365. of the 25380
Revised Code. 25381

(d) In the case of a student who takes an alternate 25382
assessment in accordance with division (C)(1) of section 25383
3301.0711 of the Revised Code, attaining a score established by 25384
the ~~state board~~ department on the alternate assessment in 25385
science; 25386

(e) In the case of a student who transfers into an Ohio 25387
public or chartered nonpublic high school from another state or 25388
enrolls in an Ohio public or chartered nonpublic high school 25389
after receiving home ~~instruction~~ education or attending a 25390
nonchartered, nontax-supported school in the previous school 25391
year, attaining a final course grade that is the equivalent of a 25392
"B" or higher in a course that corresponds with the science end- 25393
of-course examination and that the student completed in the 25394
state from which the student transferred or completed while 25395
receiving home instruction or attending a nonchartered, nontax- 25396
supported school. Division (C)(5)(e) of this section does not 25397
apply to any such student who takes a science course for which 25398
an end-of-course examination is associated after enrolling in 25399
the high school. 25400

(6) An honors diploma seal. A student shall meet the 25401
requirement for this seal by meeting the additional criteria for 25402
an honors diploma under division (B) of section 3313.61 of the 25403
Revised Code. 25404

(7) A technology seal. A student shall meet the 25405
requirement for this seal by doing any of the following: 25406

- (a) Subject to division (B) (5) (d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination;
- (b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;
- (c) Completing a course offered through the student's district or school that meets guidelines developed by the ~~department of education~~. However, a district or school shall not be required to offer a course that meets those guidelines ~~developed by the department~~.
- (d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home ~~instruction education~~ or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home ~~instruction education~~ or attending a nonchartered, nontax-supported school.
- (8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority.
- (9) A fine and performing arts seal. A student shall meet

the requirement for this seal by demonstrating skill in the fine 25436
or performing arts according to an evaluation that is aligned 25437
with guidelines adopted by the student's district board or 25438
school governing authority. 25439

(10) A student engagement seal. A student shall meet the 25440
requirement for this seal by participating in extracurricular 25441
activities such as athletics, clubs, or student government to a 25442
meaningful extent, as determined by guidelines adopted by the 25443
student's district board or school governing authority. 25444

(D) (1) Each district or school shall develop guidelines 25445
for at least one of the state seals prescribed under divisions 25446
(C) (8) to (10) of this section. 25447

(2) For the purposes of determining whether a student who 25448
transfers to a district or school has satisfied the state 25449
diploma seal requirement under division (B) (2) of section 25450
3313.618 of the Revised Code, each district or school shall 25451
recognize a state diploma seal prescribed under divisions (C) (8) 25452
to (10) of this section and earned by a student at another 25453
district or a different public or chartered nonpublic school 25454
regardless of whether the district or school to which the 25455
student transfers has developed guidelines under this section 25456
for that state seal. 25457

(3) In guidelines developed for a state diploma seal 25458
prescribed under divisions (C) (8) to (10) of this section, each 25459
district or school shall include a method to give, to the extent 25460
feasible, a student who transfers into the district or school a 25461
proportional amount of credit for any progress the student was 25462
making toward earning that state seal at the school district or 25463
different public or chartered nonpublic school from which the 25464
student transfers. 25465

(E) Each district or school shall maintain appropriate records to identify students who have met the requirements prescribed under division (C) of this section for earning the state seals established under that division.

(F) The department shall prepare and deliver to each district or school an appropriate mechanism for assigning a state diploma seal established under division (C) of this section.

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1) (a) Except as provided in division (A) (1) (b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney

executed under sections 3109.51 to 3109.62 of the Revised Code, 25495
"parent" means the grandparent designated as attorney in fact 25496
under the power of attorney. When a child is the subject of a 25497
caretaker authorization affidavit executed under sections 25498
3109.64 to 3109.73 of the Revised Code, "parent" means the 25499
grandparent that executed the affidavit. 25500

(2) "Legal custody," "permanent custody," and "residual 25501
parental rights, privileges, and responsibilities" have the same 25502
meanings as in section 2151.011 of the Revised Code. 25503

(3) "School district" or "district" means a city, local, 25504
or exempted village school district and excludes any school 25505
operated in an institution maintained by the department of youth 25506
services. 25507

(4) Except as used in division (C) (2) of this section, 25508
"home" means a home, institution, foster home, group home, or 25509
other residential facility in this state that receives and cares 25510
for children, to which any of the following applies: 25511

(a) The home is licensed, certified, or approved for such 25512
purpose by the state or is maintained by the department of youth 25513
services. 25514

(b) The home is operated by a person who is licensed, 25515
certified, or approved by the state to operate the home for such 25516
purpose. 25517

(c) The home accepted the child through a placement by a 25518
person licensed, certified, or approved to place a child in such 25519
a home by the state. 25520

(d) The home is a children's home created under section 25521
5153.21 or 5153.36 of the Revised Code. 25522

- (5) "Agency" means all of the following: 25523
- (a) A public children services agency; 25524
- (b) An organization that holds a certificate issued by the 25525
Ohio department of job and family services in accordance with 25526
the requirements of section 5103.03 of the Revised Code and 25527
assumes temporary or permanent custody of children through 25528
commitment, agreement, or surrender, and places children in 25529
family homes for the purpose of adoption; 25530
- (c) Comparable agencies of other states or countries that 25531
have complied with applicable requirements of section 2151.39 of 25532
the Revised Code or as applicable, sections 5103.20 to 5103.22 25533
or 5103.23 to 5103.237 of the Revised Code. 25534
- (6) A child is placed for adoption if either of the 25535
following occurs: 25536
- (a) An agency to which the child has been permanently 25537
committed or surrendered enters into an agreement with a person 25538
pursuant to section 5103.16 of the Revised Code for the care and 25539
adoption of the child. 25540
- (b) The child's natural parent places the child pursuant 25541
to section 5103.16 of the Revised Code with a person who will 25542
care for and adopt the child. 25543
- (7) "Preschool child with a disability" has the same 25544
meaning as in section 3323.01 of the Revised Code. 25545
- (8) "Child," unless otherwise indicated, includes 25546
preschool children with disabilities. 25547
- (9) "Active duty" means active duty pursuant to an 25548
executive order of the president of the United States, an act of 25549
the congress of the United States, or section 5919.29 or 5923.21 25550

of the Revised Code. 25551

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 25552
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 25557
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(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 25559
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 25564
25565
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(b) The child resides in a home. 25567

(c) The child requires special education. 25568

(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: 25569
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(a) The placement for adoption has been terminated. 25575

(b) Another school district is required to admit the child under division (B) (1) of this section. 25576
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Division (B) of this section does not prohibit the board 25578
of education of a school district from placing a child with a 25579
disability who resides in the district in a special education 25580
program outside of the district or its schools in compliance 25581
with Chapter 3323. of the Revised Code. 25582

(C) A district shall not charge tuition for children 25583
admitted under division (B) (1) or (3) of this section. If the 25584
district admits a child under division (B) (2) of this section, 25585
tuition shall be paid to the district that admits the child as 25586
provided in divisions (C) (1) to (3) of this section, unless 25587
division (C) (4) of this section applies to the child: 25588

(1) If the child receives special education in accordance 25589
with Chapter 3323. of the Revised Code, the school district of 25590
residence, as defined in section 3323.01 of the Revised Code, 25591
shall pay tuition for the child in accordance with section 25592
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 25593
regardless of who has custody of the child or whether the child 25594
resides in a home. 25595

(2) For a child that does not receive special education in 25596
accordance with Chapter 3323. of the Revised Code, except as 25597
otherwise provided in division (C) (2) (d) of this section, if the 25598
child is in the permanent or legal custody of a government 25599
agency or person other than the child's parent, tuition shall be 25600
paid by: 25601

(a) The district in which the child's parent resided at 25602
the time the court removed the child from home or at the time 25603
the court vested legal or permanent custody of the child in the 25604
person or government agency, whichever occurred first; 25605

(b) If the parent's residence at the time the court 25606

removed the child from home or placed the child in the legal or 25607
permanent custody of the person or government agency is unknown, 25608
tuition shall be paid by the district in which the child resided 25609
at the time the child was removed from home or placed in legal 25610
or permanent custody, whichever occurred first; 25611

(c) If a school district cannot be established under 25612
division (C)(2)(a) or (b) of this section, tuition shall be paid 25613
by the district determined as required by section 2151.362 of 25614
the Revised Code by the court at the time it vests custody of 25615
the child in the person or government agency; 25616

(d) If at the time the court removed the child from home 25617
or vested legal or permanent custody of the child in the person 25618
or government agency, whichever occurred first, one parent was 25619
in a residential or correctional facility or a juvenile 25620
residential placement and the other parent, if living and not in 25621
such a facility or placement, was not known to reside in this 25622
state, tuition shall be paid by the district determined under 25623
division (D) of section 3313.65 of the Revised Code as the 25624
district required to pay any tuition while the parent was in 25625
such facility or placement; 25626

(e) If the department of education and workforce has 25627
determined, pursuant to division (A)(2) of section 2151.362 of 25628
the Revised Code, that a school district other than the one 25629
named in the court's initial order, or in a prior determination 25630
of the department, is responsible to bear the cost of educating 25631
the child, the district so determined shall be responsible for 25632
that cost. 25633

(3) If the child is not in the permanent or legal custody 25634
of a government agency or person other than the child's parent 25635
and the child resides in a home, tuition shall be paid by one of 25636

the following: 25637

(a) The school district in which the child's parent 25638
resides; 25639

(b) If the child's parent is not a resident of this state, 25640
the home in which the child resides. 25641

(4) Division (C) (4) of this section applies to any child 25642
who is admitted to a school district under division (B) (2) of 25643
this section, resides in a home that is not a foster home, a 25644
home maintained by the department of youth services, a detention 25645
facility established under section 2152.41 of the Revised Code, 25646
or a juvenile facility established under section 2151.65 of the 25647
Revised Code, and receives educational services at the home or 25648
facility in which the child resides pursuant to a contract 25649
between the home or facility and the school district providing 25650
those services. 25651

If a child to whom division (C) (4) of this section applies 25652
is a special education student, a district may choose whether to 25653
receive a tuition payment for that child under division (C) (4) 25654
of this section or to receive a payment for that child under 25655
section 3323.14 of the Revised Code. If a district chooses to 25656
receive a payment for that child under section 3323.14 of the 25657
Revised Code, it shall not receive a tuition payment for that 25658
child under division (C) (4) of this section. 25659

If a child to whom division (C) (4) of this section applies 25660
is not a special education student, a district shall receive a 25661
tuition payment for that child under division (C) (4) of this 25662
section. 25663

In the case of a child to which division (C) (4) of this 25664
section applies, the total educational cost to be paid for the 25665

child shall be determined by a formula approved by the 25666
department of education and workforce, which formula shall be 25667
designed to calculate a per diem cost for the educational 25668
services provided to the child for each day the child is served 25669
and shall reflect the total actual cost incurred in providing 25670
those services. The department shall certify the total 25671
educational cost to be paid for the child to both the school 25672
district providing the educational services and, if different, 25673
the school district that is responsible to pay tuition for the 25674
child. The department shall deduct the certified amount from the 25675
state basic aid funds payable under Chapter 3317. of the Revised 25676
Code to the district responsible to pay tuition and shall pay 25677
that amount to the district providing the educational services 25678
to the child. 25679

(D) Tuition required to be paid under divisions (C) (2) and 25680
(3) (a) of this section shall be computed in accordance with 25681
section 3317.08 of the Revised Code. Tuition required to be paid 25682
under division (C) (3) (b) of this section shall be computed in 25683
accordance with section 3317.081 of the Revised Code. If a home 25684
fails to pay the tuition required by division (C) (3) (b) of this 25685
section, the board of education providing the education may 25686
recover in a civil action the tuition and the expenses incurred 25687
in prosecuting the action, including court costs and reasonable 25688
attorney's fees. If the prosecuting attorney or city director of 25689
law represents the board in such action, costs and reasonable 25690
attorney's fees awarded by the court, based upon the prosecuting 25691
attorney's, director's, or one of their designee's time spent 25692
preparing and presenting the case, shall be deposited in the 25693
county or city general fund. 25694

(E) A board of education may enroll a child free of any 25695
tuition obligation for a period not to exceed sixty days, on the 25696

sworn statement of an adult resident of the district that the 25697
resident has initiated legal proceedings for custody of the 25698
child. 25699

(F) In the case of any individual entitled to attend 25700
school under this division, no tuition shall be charged by the 25701
school district of attendance and no other school district shall 25702
be required to pay tuition for the individual's attendance. 25703
Notwithstanding division (B), (C), or (E) of this section: 25704

(1) All persons at least eighteen but under twenty-two 25705
years of age who live apart from their parents, support 25706
themselves by their own labor, and have not successfully 25707
completed the high school curriculum or the individualized 25708
education program developed for the person by the high school 25709
pursuant to section 3323.08 of the Revised Code, are entitled to 25710
attend school in the district in which they reside. 25711

(2) Any child under eighteen years of age who is married 25712
is entitled to attend school in the child's district of 25713
residence. 25714

(3) A child is entitled to attend school in the district 25715
in which either of the child's parents is employed if the child 25716
has a medical condition that may require emergency medical 25717
attention. The parent of a child entitled to attend school under 25718
division (F)(3) of this section shall submit to the board of 25719
education of the district in which the parent is employed a 25720
statement from the child's physician certifying that the child's 25721
medical condition may require emergency medical attention. The 25722
statement shall be supported by such other evidence as the board 25723
may require. 25724

(4) Any child residing with a person other than the 25725

child's parent is entitled, for a period not to exceed twelve 25726
months, to attend school in the district in which that person 25727
resides if the child's parent files an affidavit with the 25728
superintendent of the district in which the person with whom the 25729
child is living resides stating all of the following: 25730

(a) That the parent is serving outside of the state in the 25731
armed services of the United States; 25732

(b) That the parent intends to reside in the district upon 25733
returning to this state; 25734

(c) The name and address of the person with whom the child 25735
is living while the parent is outside the state. 25736

(5) Any child under the age of twenty-two years who, after 25737
the death of a parent, resides in a school district other than 25738
the district in which the child attended school at the time of 25739
the parent's death is entitled to continue to attend school in 25740
the district in which the child attended school at the time of 25741
the parent's death for the remainder of the school year, subject 25742
to approval of that district board. 25743

(6) A child under the age of twenty-two years who resides 25744
with a parent who is having a new house built in a school 25745
district outside the district where the parent is residing is 25746
entitled to attend school for a period of time in the district 25747
where the new house is being built. In order to be entitled to 25748
such attendance, the parent shall provide the district 25749
superintendent with the following: 25750

(a) A sworn statement explaining the situation, revealing 25751
the location of the house being built, and stating the parent's 25752
intention to reside there upon its completion; 25753

(b) A statement from the builder confirming that a new 25754

house is being built for the parent and that the house is at the 25755
location indicated in the parent's statement. 25756

(7) A child under the age of twenty-two years residing 25757
with a parent who has a contract to purchase a house in a school 25758
district outside the district where the parent is residing and 25759
who is waiting upon the date of closing of the mortgage loan for 25760
the purchase of such house is entitled to attend school for a 25761
period of time in the district where the house is being 25762
purchased. In order to be entitled to such attendance, the 25763
parent shall provide the district superintendent with the 25764
following: 25765

(a) A sworn statement explaining the situation, revealing 25766
the location of the house being purchased, and stating the 25767
parent's intent to reside there; 25768

(b) A statement from a real estate broker or bank officer 25769
confirming that the parent has a contract to purchase the house, 25770
that the parent is waiting upon the date of closing of the 25771
mortgage loan, and that the house is at the location indicated 25772
in the parent's statement. 25773

The district superintendent shall establish a period of 25774
time not to exceed ninety days during which the child entitled 25775
to attend school under division (F) (6) or (7) of this section 25776
may attend without tuition obligation. A student attending a 25777
school under division (F) (6) or (7) of this section shall be 25778
eligible to participate in interscholastic athletics under the 25779
auspices of that school, provided the board of education of the 25780
school district where the student's parent resides, by a formal 25781
action, releases the student to participate in interscholastic 25782
athletics at the school where the student is attending, and 25783
provided the student receives any authorization required by a 25784

public agency or private organization of which the school 25785
district is a member exercising authority over interscholastic 25786
sports. 25787

(8) A child whose parent is a full-time employee of a 25788
city, local, or exempted village school district, or of an 25789
educational service center, may be admitted to the schools of 25790
the district where the child's parent is employed, or in the 25791
case of a child whose parent is employed by an educational 25792
service center, in the district that serves the location where 25793
the parent's job is primarily located, provided the district 25794
board of education establishes such an admission policy by 25795
resolution adopted by a majority of its members. Any such policy 25796
shall take effect on the first day of the school year and the 25797
effective date of any amendment or repeal may not be prior to 25798
the first day of the subsequent school year. The policy shall be 25799
uniformly applied to all such children and shall provide for the 25800
admission of any such child upon request of the parent. No child 25801
may be admitted under this policy after the first day of classes 25802
of any school year. 25803

(9) A child who is with the child's parent under the care 25804
of a shelter for victims of domestic violence, as defined in 25805
section 3113.33 of the Revised Code, is entitled to attend 25806
school free in the district in which the child is with the 25807
child's parent, and no other school district shall be required 25808
to pay tuition for the child's attendance in that school 25809
district. 25810

The enrollment of a child in a school district under this 25811
division shall not be denied due to a delay in the school 25812
district's receipt of any records required under section 25813
3313.672 of the Revised Code or any other records required for 25814

enrollment. Any days of attendance and any credits earned by a 25815
child while enrolled in a school district under this division 25816
shall be transferred to and accepted by any school district in 25817
which the child subsequently enrolls. The ~~state board~~ department 25818
of education and workforce shall adopt rules to ensure 25819
compliance with this division. 25820

(10) Any child under the age of twenty-two years whose 25821
parent has moved out of the school district after the 25822
commencement of classes in the child's senior year of high 25823
school is entitled, subject to the approval of that district 25824
board, to attend school in the district in which the child 25825
attended school at the time of the parental move for the 25826
remainder of the school year and for one additional semester or 25827
equivalent term. A district board may also adopt a policy 25828
specifying extenuating circumstances under which a student may 25829
continue to attend school under division (F) (10) of this section 25830
for an additional period of time in order to successfully 25831
complete the high school curriculum for the individualized 25832
education program developed for the student by the high school 25833
pursuant to section 3323.08 of the Revised Code. 25834

(11) As used in this division, "grandparent" means a 25835
parent of a parent of a child. A child under the age of twenty- 25836
two years who is in the custody of the child's parent, resides 25837
with a grandparent, and does not require special education is 25838
entitled to attend the schools of the district in which the 25839
child's grandparent resides, provided that, prior to such 25840
attendance in any school year, the board of education of the 25841
school district in which the child's grandparent resides and the 25842
board of education of the school district in which the child's 25843
parent resides enter into a written agreement specifying that 25844
good cause exists for such attendance, describing the nature of 25845

this good cause, and consenting to such attendance. 25846

In lieu of a consent form signed by a parent, a board of 25847
education may request the grandparent of a child attending 25848
school in the district in which the grandparent resides pursuant 25849
to division (F)(11) of this section to complete any consent form 25850
required by the district, including any authorization required 25851
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 25852
Revised Code. Upon request, the grandparent shall complete any 25853
consent form required by the district. A school district shall 25854
not incur any liability solely because of its receipt of a 25855
consent form from a grandparent in lieu of a parent. 25856

Division (F)(11) of this section does not create, and 25857
shall not be construed as creating, a new cause of action or 25858
substantive legal right against a school district, a member of a 25859
board of education, or an employee of a school district. This 25860
section does not affect, and shall not be construed as 25861
affecting, any immunities from defenses to tort liability 25862
created or recognized by Chapter 2744. of the Revised Code for a 25863
school district, member, or employee. 25864

(12) A child under the age of twenty-two years is entitled 25865
to attend school in a school district other than the district in 25866
which the child is entitled to attend school under division (B), 25867
(C), or (E) of this section provided that, prior to such 25868
attendance in any school year, both of the following occur: 25869

(a) The superintendent of the district in which the child 25870
is entitled to attend school under division (B), (C), or (E) of 25871
this section contacts the superintendent of another district for 25872
purposes of this division; 25873

(b) The superintendents of both districts enter into a 25874

written agreement that consents to the attendance and specifies 25875
that the purpose of such attendance is to protect the student's 25876
physical or mental well-being or to deal with other extenuating 25877
circumstances deemed appropriate by the superintendents. 25878

While an agreement is in effect under this division for a 25879
student who is not receiving special education under Chapter 25880
3323. of the Revised Code and notwithstanding Chapter 3327. of 25881
the Revised Code, the board of education of neither school 25882
district involved in the agreement is required to provide 25883
transportation for the student to and from the school where the 25884
student attends. 25885

A student attending a school of a district pursuant to 25886
this division shall be allowed to participate in all student 25887
activities, including interscholastic athletics, at the school 25888
where the student is attending on the same basis as any student 25889
who has always attended the schools of that district while of 25890
compulsory school age. 25891

(13) All school districts shall comply with the "McKinney- 25892
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25893
the education of homeless children. Each city, local, and 25894
exempted village school district shall comply with the 25895
requirements of that act governing the provision of a free, 25896
appropriate public education, including public preschool, to 25897
each homeless child. 25898

When a child loses permanent housing and becomes a 25899
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25900
child who is such a homeless person changes temporary living 25901
arrangements, the child's parent or guardian shall have the 25902
option of enrolling the child in either of the following: 25903

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g) (3) (C) ;	25904 25905
(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.	25906 25907 25908 25909
(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:	25910 25911 25912 25913
(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.	25914 25915 25916 25917 25918 25919 25920 25921 25922 25923
(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.	25924 25925
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.	25926 25927 25928 25929 25930
(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the	25931 25932

district and who are either of the following: 25933

(1) Residents or domiciliaries of a foreign nation who 25934
request admission as foreign exchange students; 25935

(2) Residents or domiciliaries of the United States but 25936
not of Ohio who request admission as participants in an exchange 25937
program operated by a student exchange organization. 25938

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 25939
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 25940
attend school or participate in a special education program in a 25941
school district other than in the district where the child is 25942
entitled to attend school under division (B) of this section. 25943

(I) (1) Notwithstanding anything to the contrary in this 25944
section or section 3313.65 of the Revised Code, a child under 25945
twenty-two years of age may attend school in the school district 25946
in which the child, at the end of the first full week of October 25947
of the school year, was entitled to attend school as otherwise 25948
provided under this section or section 3313.65 of the Revised 25949
Code, if at that time the child was enrolled in the schools of 25950
the district but since that time the child or the child's parent 25951
has relocated to a new address located outside of that school 25952
district and within the same county as the child's or parent's 25953
address immediately prior to the relocation. The child may 25954
continue to attend school in the district, and at the school to 25955
which the child was assigned at the end of the first full week 25956
of October of the current school year, for the balance of the 25957
school year. Division (I) (1) of this section applies only if 25958
both of the following conditions are satisfied: 25959

(a) The board of education of the school district in which 25960
the child was entitled to attend school at the end of the first 25961

full week in October and of the district to which the child or 25962
child's parent has relocated each has adopted a policy to enroll 25963
children described in division (I) (1) of this section. 25964

(b) The child's parent provides written notification of 25965
the relocation outside of the school district to the 25966
superintendent of each of the two school districts. 25967

(2) At the beginning of the school year following the 25968
school year in which the child or the child's parent relocated 25969
outside of the school district as described in division (I) (1) 25970
of this section, the child is not entitled to attend school in 25971
the school district under that division. 25972

(3) Any person or entity owing tuition to the school 25973
district on behalf of the child at the end of the first full 25974
week in October, as provided in division (C) of this section, 25975
shall continue to owe such tuition to the district for the 25976
child's attendance under division (I) (1) of this section for the 25977
lesser of the balance of the school year or the balance of the 25978
time that the child attends school in the district under 25979
division (I) (1) of this section. 25980

(4) A pupil who may attend school in the district under 25981
division (I) (1) of this section shall be entitled to 25982
transportation services pursuant to an agreement between the 25983
district and the district in which the child or child's parent 25984
has relocated unless the districts have not entered into such 25985
agreement, in which case the child shall be entitled to 25986
transportation services in the same manner as a pupil attending 25987
school in the district under interdistrict open enrollment as 25988
described in division (E) of section 3313.981 of the Revised 25989
Code, regardless of whether the district has adopted an open 25990
enrollment policy as described in division (B) (1) (b) or (c) of 25991

section 3313.98 of the Revised Code. 25992

(J) This division does not apply to a child receiving 25993
special education. 25994

A school district required to pay tuition pursuant to 25995
division (C) (2) or (3) of this section or section 3313.65 of the 25996
Revised Code shall have an amount deducted under division (C) of 25997
section 3317.023 of the Revised Code equal to its own tuition 25998
rate for the same period of attendance. A school district 25999
entitled to receive tuition pursuant to division (C) (2) or (3) 26000
of this section or section 3313.65 of the Revised Code shall 26001
have an amount credited under division (C) of section 3317.023 26002
of the Revised Code equal to its own tuition rate for the same 26003
period of attendance. If the tuition rate credited to the 26004
district of attendance exceeds the rate deducted from the 26005
district required to pay tuition, the department of education 26006
and workforce shall pay the district of attendance the 26007
difference from amounts deducted from all districts' payments 26008
under division (C) of section 3317.023 of the Revised Code but 26009
not credited to other school districts under such division and 26010
from appropriations made for such purpose. The treasurer of each 26011
school district shall, by the fifteenth day of January and July, 26012
furnish the ~~superintendent of public instruction~~ director of 26013
education and workforce a report of the names of each child who 26014
attended the district's schools under divisions (C) (2) and (3) 26015
of this section or section 3313.65 of the Revised Code during 26016
the preceding six calendar months, the duration of the 26017
attendance of those children, the school district responsible 26018
for tuition on behalf of the child, and any other information 26019
that the ~~superintendent~~ director requires. 26020

Upon receipt of the report the ~~superintendent~~ director, 26021

pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C) (2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the ~~superintendent of public instruction~~ director of education and workforce shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the ~~superintendent of public instruction~~ director pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B) (1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

Sec. 3313.642. (A) Except as provided in division (B) of 26052
this section and notwithstanding the provisions of sections 26053
3313.48 and 3313.64 of the Revised Code, the board of education 26054
of a city, exempted village, or local school district shall not 26055
be required to furnish, free of charge, to the pupils attending 26056
the public schools any materials used in a course of instruction 26057
with the exception of the necessary textbooks or electronic 26058
textbooks required to be furnished without charge pursuant to 26059
section 3329.06 of the Revised Code. The board may, however, 26060
make provision by appropriations transferred from the general 26061
fund of the district or otherwise for furnishing free of charge 26062
any materials used in a course of instruction to such pupils as 26063
it determines are in serious financial need of such materials. 26064

(B) No board of education of a school district shall 26065
charge a fee to a pupil who is eligible for a free lunch under 26066
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 26067
1751, as amended, and the "Child Nutrition Act of 1966," 80 26068
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 26069
to enable the pupil to participate fully in a course of 26070
instruction. The prohibition in this division against charging a 26071
fee does not apply to any fee charged for any of the following: 26072

(1) Any materials needed to enable a pupil to participate 26073
fully in extracurricular activities or in any pupil enrichment 26074
program that is not a course of instruction; 26075

(2) Any tools, equipment, and materials that are necessary 26076
for workforce-readiness training within a career-technical 26077
education program that, to the extent the tools, equipment, and 26078
materials are not consumed, may be retained by the student upon 26079
course completion. 26080

(C) Boards of education may adopt rules and regulations 26081

prescribing each of the following: 26082

(1) A schedule of fees for materials used in a course of 26083
instruction; 26084

(2) A schedule of charges which may be imposed upon pupils 26085
for the loss, damage, or destruction of school apparatus, 26086
equipment, musical instruments, library material, textbooks, or 26087
electronic textbooks required to be furnished without charge, 26088
and for damage to school buildings. 26089

Except as provided in division (D) of this section, boards 26090
of education may enforce the payment of such fees and charges by 26091
withholding the grades and credits of the pupils concerned. 26092

(D) No board of education shall withhold the grades, 26093
credits, official transcripts, diploma, IEPs, or 504 plans of a 26094
pupil for nonpayment of fees for materials used in a course of 26095
instruction imposed under division (C)(1) of this section, if a 26096
complaint has been filed at any time in a juvenile court 26097
alleging that the pupil is an abused, neglected, or dependent 26098
child or if the pupil has been adjudicated an abused, neglected, 26099
or dependent child. 26100

A board shall require that the grades, credits, official 26101
transcripts, IEPs, or 504 plan of a pupil described in this 26102
division be transferred immediately upon the receipt of either 26103
another district's or school's request for those records under 26104
section 3313.672 of the Revised Code or a juvenile judge's order 26105
under section 2151.272 of the Revised Code. 26106

A board that is required to transfer records under 26107
division (D) of this section may request a copy of any order 26108
regarding the child's custody or placement issued pursuant to a 26109
complaint filed under section 2151.27 of the Revised Code. 26110

However, a board shall not withhold records required to be transferred under that division pending receipt of a copy of the order.

(E) Each board of education annually shall report to the department of education and workforce the number of pupils for whom the board sends transcripts under division (D) of this section and the total amount of unpaid fees lost due to compliance with that division.

(F) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "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.

Sec. 3313.643. Every student and teacher of a school, college, or other educational institution shall wear industrial quality eye protective devices at all times while participating in or observing any of the following courses:

(A) Vocational, technical, industrial arts, fine arts, chemical, physical, or combined chemical-physical educational activities, involving exposure to:

(1) Hot molten metals or other molten materials;

(2) Milling, sawing, drilling, turning, shaping, cutting, grinding, buffing, or stamping of any solid materials;

(3) Heat treatment, tempering, or kiln firing of any metal or other materials;

(4) Gas or electric arc welding or other forms of welding

processes; 26138

(5) Repair or servicing of any vehicle; 26139

(6) Caustic or explosive materials~~†~~. 26140

(B) Chemical, physical, or combined chemical-physical 26141
laboratories involving caustic or explosive materials, hot 26142
liquids or solids, injurious radiations, or other hazards. 26143

Such devices may be furnished for all students and 26144
teachers, purchased and sold at cost to students and teachers, 26145
or made available for a moderate rental fee, and shall be 26146
furnished for all visitors to such shops and laboratories. 26147

The ~~superintendent of public instruction, director of~~ 26148
education and workforce or any other appropriate educational 26149
authority designated by the ~~superintendent~~director, shall 26150
prepare and circulate to each public and private educational 26151
institution in this state instructions and recommendations for 26152
implementing the eye safety provisions of this section. The 26153
bureau of workers' compensation shall ensure compliance with 26154
this section. 26155

"Industrial quality eye protective devices" as used in 26156
this section, means devices meeting the standards of the 26157
American national standard practice for occupational and 26158
educational eye and face protection, Z87.1-1968, approved by the 26159
American national standards institute, inc., and subsequent 26160
revisions thereof, provided such revisions are approved and 26161
adopted by the industrial commission. 26162

Sec. 3313.644. The board of education of any school 26163
district may contract with the state department of education and 26164
workforce or other state agency or with any agency of the 26165
federal government for the education or training of out-of- 26166

school youth or adults regardless of their place of residence. 26167
The board of education may permit the attendance, under such 26168
contract, of such students or trainees who are not residents of 26169
the school district only if the contract provides for the 26170
reimbursement to the school district of the entire actual cost 26171
of educating or training such nonresident students or trainees 26172
and regardless of the ratio of nonresident students or trainees 26173
to resident students or trainees. 26174

Sec. 3313.645. A board of education may admit to the 26175
schools of its district, free of any tuition obligation, any 26176
resident of the district not otherwise eligible to be admitted 26177
who meets criteria established by the ~~state board~~ department of 26178
education and workforce. The ~~state board~~ department shall adopt 26179
rules establishing criteria for the admission of persons to 26180
schools under this division. The rules may authorize 26181
restrictions or limitations on the classes or programs in which 26182
such persons may participate. 26183

For participation in vocational education programs the 26184
district operates or participates in pursuant to sections 26185
3313.90 and 3313.91 of the Revised Code, a board of education 26186
may admit the following individuals to the schools of its 26187
district free of any tuition obligation and without regard to 26188
age: 26189

(A) Any resident to the district who has successfully 26190
completed the individualized education program developed for the 26191
person by any high school pursuant to section 3323.08 of the 26192
Revised Code; 26193

(B) Any person employed by the district in a position for 26194
which a license issued by the state board of education under 26195
section 3319.22 to 3319.31 of the Revised Code is not required 26196

who seeks admission to a class or program related to the 26197
person's position and is authorized by the district's 26198
superintendent to be admitted to the class or program. The 26199
superintendent shall determine whether the class or program is 26200
related to the employee's position. 26201

Sec. 3313.646. (A) The board of education of a school 26202
district, except a cooperative education district established 26203
pursuant to section 3311.521 of the Revised Code, may establish 26204
and operate a program to provide services to preschool-age 26205
children, provided the board has demonstrated a need for the 26206
program. A board may use school funds in support of preschool 26207
programs. The board shall maintain, operate, and admit children 26208
to any such program pursuant to rules adopted by such board and 26209
the rules of the ~~state board~~ department of education and
workforce adopted under sections 3301.52 to 3301.57 of the 26210
Revised Code. 26211
26212

A board of education may establish fees or tuition, which 26213
may be graduated in proportion to family income, for 26214
participation in a preschool program. In cases where payment of 26215
fees or tuition would create a hardship for the child's parent 26216
or guardian, the board may waive any such fees or tuition. 26217

(B) No board of education that is not receiving funds 26218
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 26219
9831, on March 17, 1989, shall compete for funds under the "Head 26220
Start Act" with any grantee receiving funds under that act. 26221

(C) A board of education may contract with any of the 26222
following preschool providers to provide services to preschool- 26223
age children, other than those services for which the district 26224
is eligible to receive funding under section 3317.0213 of the 26225
Revised Code: 26226

(1) Any organization receiving funds under the "Head Start Act";	26227 26228
(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;	26229 26230
(3) Any child care provider licensed under Chapter 5104. of the Revised Code.	26231 26232
Boards may contract to provide services to preschool-age children only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.	26233 26234 26235 26236 26237 26238
(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.	26239 26240 26241 26242
(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as the treasurer would any other funds of the district pursuant to this chapter.	26243 26244 26245 26246 26247
Sec. 3313.647. As used in this division, "graduate" means a person who has received a diploma from a district pursuant to section 3313.61 of the Revised Code.	26248 26249 26250
Pursuant to rules adopted by the state board <u>department of education and workforce</u> , a city, local, exempted village, or joint vocational school district may establish a policy guaranteeing a specific level of competency of certain graduates of the district. The guarantee policy shall specify that any	26251 26252 26253 26254 26255

graduate meeting specified criteria established by the board is 26256
capable of performing specified functions at a level established 26257
in the policy. Any employer or potential employer of a graduate 26258
who is guaranteed under such a policy may submit a written 26259
statement to the board of education stating the guaranteed 26260
graduate of its district does not meet the level of competency 26261
specified in the district's guarantee policy. Upon receipt of 26262
such statement the board of education shall provide an 26263
opportunity for additional education to the graduate, regardless 26264
of the graduate's age or place of residence, until such 26265
individual attains the competency level specified in the policy. 26266
No fee shall be charged to any person or government entity for 26267
such additional education. A school board may expend school 26268
funds for a guarantee program; however, no student participating 26269
in the program shall be included in the formula ADM of the 26270
district as determined under section 3317.03 of the Revised Code 26271
or included as a participant in any other program, if such 26272
inclusion would result in additional state funds to the school 26273
district. 26274

The ~~state board of education department~~ shall adopt rules 26275
for the adoption of a policy under this section and for the 26276
additional education program described under this section. 26277

Sec. 3313.6410. This section applies to any school that is 26278
operated by a school district and in which the enrolled students 26279
work primarily on assignments in nonclassroom-based learning 26280
opportunities provided via an internet- or other computer-based 26281
instructional method. 26282

(A) Any school to which this section applies shall 26283
withdraw from the school any student who, for two consecutive 26284
school years of enrollment in the school, has failed to 26285

participate in the spring administration of any assessment 26286
prescribed under section 3301.0710 or 3301.0712 of the Revised 26287
Code for the student's grade level and was not excused from the 26288
assessment pursuant to division (C) (1) or (3) of section 26289
3301.0711 of the Revised Code, regardless of whether a waiver 26290
was granted for the student under division (E) of section 26291
3317.03 of the Revised Code. The school shall report any such 26292
student's data verification code, as assigned pursuant to 26293
section 3301.0714 of the Revised Code, to the department of 26294
education and workforce to be added to the list maintained by 26295
the department under section 3314.26 of the Revised Code. 26296

(B) No school to which this section applies shall receive 26297
any state funds under Chapter 3317. of the Revised Code for any 26298
enrolled student whose data verification code appears on the 26299
list maintained by the department under section 3314.26 of the 26300
Revised Code. Notwithstanding any provision of the Revised Code 26301
to the contrary, the parent of any such student shall pay 26302
tuition to the school district that operates the school in an 26303
amount equal to the state funds the district otherwise would 26304
receive for that student, as determined by the department. A 26305
school to which this section applies may withdraw any student 26306
for whom the parent does not pay tuition as required by this 26307
division. 26308

Sec. 3313.65. (A) As used in this section and section 26309
3313.64 of the Revised Code: 26310

(1) A person is "in a residential facility" if the person 26311
is a resident or a resident patient of an institution, home, or 26312
other residential facility that is: 26313

(a) Licensed as a nursing home, residential care facility, 26314
or home for the aging by the director of health under section 26315

3721.02 of the Revised Code;	26316
(b) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	26317 26318 26319
(c) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.037 of the Revised Code, or provides residential care pursuant to contracts made under section 340.036 of the Revised Code;	26320 26321 26322 26323
(d) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	26324 26325
(e) Licensed by the department of mental health and addiction services under section 5119.33 or 5119.34 of the Revised Code;	26326 26327 26328
(f) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;	26329 26330 26331
(g) Operated by the veteran's administration or another agency of the United States government;	26332 26333
(h) Operated by the Ohio veterans' home.	26334
(2) A person is "in a correctional facility" if any of the following apply:	26335 26336
(a) The person is an Ohio resident and is:	26337
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	26338 26339
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	26340 26341
(iii) Required, as a condition of parole, a post-release	26342

control sanction, a community control sanction, transitional 26343
control, or early release from imprisonment, as a condition of 26344
shock parole or shock probation granted under the law in effect 26345
prior to July 1, 1996, or as a condition of a furlough granted 26346
under the version of section 2967.26 of the Revised Code in 26347
effect prior to March 17, 1998, to reside in a halfway house or 26348
other community residential center licensed under section 26349
2967.14 of the Revised Code or a similar facility designated by 26350
the court of common pleas that established the condition or by 26351
the adult parole authority. 26352

(b) The person is imprisoned in a state correctional 26353
institution of another state or a federal correctional 26354
institution but was an Ohio resident at the time the sentence 26355
was imposed for the crime for which the person is imprisoned. 26356

(3) A person is "in a juvenile residential placement" if 26357
the person is an Ohio resident who is under twenty-one years of 26358
age and has been removed, by the order of a juvenile court, from 26359
the place the person resided at the time the person became 26360
subject to the court's jurisdiction in the matter that resulted 26361
in the person's removal. 26362

(4) "Community control sanction" has the same meaning as 26363
in section 2929.01 of the Revised Code. 26364

(5) "Post-release control sanction" has the same meaning 26365
as in section 2967.01 of the Revised Code. 26366

(B) If the circumstances described in division (C) of this 26367
section apply, the determination of what school district must 26368
admit a child to its schools and what district, if any, is 26369
liable for tuition shall be made in accordance with this 26370
section, rather than section 3313.64 of the Revised Code. 26371

(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C) (2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is 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, is not known to reside in this state.

(D) Regardless of who has custody or care of the child, whether the child resides in a home, or whether the child receives special education, if a district admits a child under division (C) of this section, tuition shall be paid to that district as follows:

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school

district is liable for tuition under division (C) (1), (2), or 26401
(3) of this section, the ~~superintendent of public instruction~~ 26402
director of education and workforce shall determine which 26403
district shall pay tuition. 26404

(E) If a child covered by division (D) of this section 26405
receives special education in accordance with Chapter 3323. of 26406
the Revised Code, the tuition shall be paid in accordance with 26407
section 3323.13 or 3323.14 of the Revised Code. Tuition for 26408
children who do not receive special education shall be paid in 26409
accordance with division (J) of section 3313.64 of the Revised 26410
Code. 26411

Sec. 3313.66. (A) (1) Except as provided under division (B) 26412
(2) of this section, and subject to section 3313.668 of the 26413
Revised Code, the superintendent of schools of a city, exempted 26414
village, or local school district, or the principal of a public 26415
school may suspend a pupil from school for not more than ten 26416
school days. The board of education of a city, exempted village, 26417
or local school district may adopt a policy granting assistant 26418
principals and other administrators the authority to suspend a 26419
pupil from school for a period of time as specified in the 26420
policy of the board of education, not to exceed ten school days. 26421
If at the time an out-of-school suspension is imposed there are 26422
fewer than ten school days remaining in the school year in which 26423
the incident that gives rise to the suspension takes place, the 26424
superintendent shall not apply any remaining part of the period 26425
of the suspension to the following school year. The 26426
superintendent may instead require the pupil to participate in a 26427
community service program or another alternative consequence for 26428
a number of hours equal to the remaining part of the period of 26429
the suspension. The pupil shall be required to begin the pupil's 26430
community service or alternative consequence during the first 26431

full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;

(b) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent's designee and challenge the reason for the intended suspension or otherwise to explain the pupil's actions.

(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.

(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments

missed because of a pupil's suspension. 26461

(a) The policy shall provide the pupil an opportunity to 26462
do both of the following: 26463

(i) Complete any classroom assignments missed because of 26464
the suspension; 26465

(ii) Receive at least partial credit for a completed 26466
assignment. 26467

(b) The policy may permit grade reductions on account of 26468
the pupil's suspension. 26469

(c) The policy shall prohibit the receipt of a failing 26470
grade on a completed assignment solely on account of the pupil's 26471
suspension. 26472

(B) (1) Except as provided under division (B) (2), (3), or 26473
(4) of this section, and subject to section 3313.668 of the 26474
Revised Code, the superintendent of schools of a city, exempted 26475
village, or local school district may expel a pupil from school 26476
for a period not to exceed the greater of eighty school days or 26477
the number of school days remaining in the semester or term in 26478
which the incident that gives rise to the expulsion takes place, 26479
unless the expulsion is extended pursuant to division (F) of 26480
this section. If at the time an expulsion is imposed there are 26481
fewer than eighty school days remaining in the school year in 26482
which the incident that gives rise to the expulsion takes place, 26483
the superintendent may apply any remaining part or all of the 26484
period of the expulsion to the following school year. 26485

(2) (a) Unless a pupil is permanently excluded pursuant to 26486
section 3313.662 of the Revised Code, the superintendent of 26487
schools of a city, exempted village, or local school district 26488
shall expel a pupil from school for a period of one year for 26489

bringing a firearm to a school operated by the board of 26490
education of the district or onto any other property owned or 26491
controlled by the board, except that the superintendent may 26492
reduce this requirement on a case-by-case basis in accordance 26493
with the policy adopted by the board under section 3313.661 of 26494
the Revised Code. 26495

(b) The superintendent of schools of a city, exempted 26496
village, or local school district may expel a pupil from school 26497
for a period of one year for bringing a firearm to an 26498
interscholastic competition, an extracurricular event, or any 26499
other school program or activity that is not located in a school 26500
or on property that is owned or controlled by the district. The 26501
superintendent may reduce this disciplinary action on a case-by- 26502
case basis in accordance with the policy adopted by the board 26503
under section 3313.661 of the Revised Code. 26504

(c) Any expulsion pursuant to division (B)(2) of this 26505
section shall extend, as necessary, into the school year 26506
following the school year in which the incident that gives rise 26507
to the expulsion takes place. As used in this division, 26508
"firearm" has the same meaning as provided pursuant to the "Gun- 26509
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 26510

(3) The board of education of a city, exempted village, or 26511
local school district may adopt a resolution authorizing the 26512
superintendent of schools to expel a pupil from school for a 26513
period not to exceed one year for bringing a knife capable of 26514
causing serious bodily injury to a school operated by the board, 26515
onto any other property owned or controlled by the board, or to 26516
an interscholastic competition, an extracurricular event, or any 26517
other program or activity sponsored by the school district or in 26518
which the district is a participant, or for possessing a firearm 26519

or knife capable of serious bodily injury, at a school, on any 26520
other property owned or controlled by the board, or at an 26521
interscholastic competition, an extracurricular event, or any 26522
other school program or activity, which firearm or knife was 26523
initially brought onto school board property by another person. 26524
The resolution may authorize the superintendent to extend such 26525
an expulsion, as necessary, into the school year following the 26526
school year in which the incident that gives rise to the 26527
expulsion takes place. 26528

(4) The board of education of a city, exempted village, or 26529
local school district may adopt a resolution establishing a 26530
policy under section 3313.661 of the Revised Code that 26531
authorizes the superintendent of schools to expel a pupil from 26532
school for a period not to exceed one year for committing an act 26533
that is a criminal offense when committed by an adult and that 26534
results in serious physical harm to persons as defined in 26535
division (A) (5) of section 2901.01 of the Revised Code or 26536
serious physical harm to property as defined in division (A) (6) 26537
of section 2901.01 of the Revised Code while the pupil is at 26538
school, on any other property owned or controlled by the board, 26539
or at an interscholastic competition, an extracurricular event, 26540
or any other school program or activity. Any expulsion under 26541
this division shall extend, as necessary, into the school year 26542
following the school year in which the incident that gives rise 26543
to the expulsion takes place. 26544

(5) The board of education of any city, exempted village, 26545
or local school district may adopt a resolution establishing a 26546
policy under section 3313.661 of the Revised Code that 26547
authorizes the superintendent of schools to expel a pupil from 26548
school for a period not to exceed one year for making a bomb 26549
threat to a school building or to any premises at which a school 26550

activity is occurring at the time of the threat. Any expulsion 26551
under this division shall extend, as necessary, into the school 26552
year following the school year in which the incident that gives 26553
rise to the expulsion takes place. 26554

(6) No pupil shall be expelled under division (B) (1), (2), 26555
(3), (4), or (5) of this section unless, prior to the pupil's 26556
expulsion, the superintendent does both of the following: 26557

(a) Gives the pupil and the pupil's parent, guardian, or 26558
custodian written notice of the intention to expel the pupil; 26559

(b) Provides the pupil and the pupil's parent, guardian, 26560
custodian, or representative an opportunity to appear in person 26561
before the superintendent or the superintendent's designee to 26562
challenge the reasons for the intended expulsion or otherwise to 26563
explain the pupil's actions. 26564

The notice required in this division shall include the 26565
reasons for the intended expulsion, notification of the 26566
opportunity of the pupil and the pupil's parent, guardian, 26567
custodian, or representative to appear before the superintendent 26568
or the superintendent's designee to challenge the reasons for 26569
the intended expulsion or otherwise to explain the pupil's 26570
action, and notification of the time and place to appear. The 26571
time to appear shall not be earlier than three nor later than 26572
five school days after the notice is given, unless the 26573
superintendent grants an extension of time at the request of the 26574
pupil or the pupil's parent, guardian, custodian, or 26575
representative. If an extension is granted after giving the 26576
original notice, the superintendent shall notify the pupil and 26577
the pupil's parent, guardian, custodian, or representative of 26578
the new time and place to appear. If the proposed expulsion is 26579
based on a violation listed in division (A) of section 3313.662 26580

of the Revised Code and if the pupil is sixteen years of age or 26581
older, the notice shall include a statement that the 26582
superintendent may seek to permanently exclude the pupil if the 26583
pupil is convicted of or adjudicated a delinquent child for that 26584
violation. 26585

(7) A superintendent of schools of a city, exempted 26586
village, or local school district shall initiate expulsion 26587
proceedings pursuant to this section with respect to any pupil 26588
who has committed an act warranting expulsion under the 26589
district's policy regarding expulsion even if the pupil has 26590
withdrawn from school for any reason after the incident that 26591
gives rise to the hearing but prior to the hearing or decision 26592
to impose the expulsion. If, following the hearing, the pupil 26593
would have been expelled for a period of time had the pupil 26594
still been enrolled in the school, the expulsion shall be 26595
imposed for the same length of time as on a pupil who has not 26596
withdrawn from the school. 26597

(C) (1) Subject to division (C) (2) of this section, if a 26598
pupil's presence poses a continuing danger to persons or 26599
property or an ongoing threat of disrupting the academic process 26600
taking place either within a classroom or elsewhere on the 26601
school premises, the superintendent or a principal or assistant 26602
principal may remove a pupil from curricular activities or from 26603
the school premises, and a teacher may remove a pupil from 26604
curricular activities under the teacher's supervision, without 26605
the notice and hearing requirements of division (A) or (B) of 26606
this section. As soon as practicable after making such a 26607
removal, the teacher shall submit in writing to the principal 26608
the reasons for such removal. 26609

(2) A pupil in any of grades pre-kindergarten through 26610

three may be removed pursuant to division (C) (1) of this section 26611
only for the remainder of the school day and shall be permitted 26612
to return to curricular and extracurricular activities on the 26613
school day following the day in which the student was removed. 26614

(a) A school district or school that returns a student in 26615
any of grades pre-kindergarten through three to curricular and 26616
extracurricular activities on the next school day shall not be 26617
required to follow division (C) (3) of this section with regard 26618
to that student. 26619

(b) A school district shall not initiate a suspension or 26620
expulsion proceeding against a student in any of grades pre- 26621
kindergarten through three who was removed from a curricular or 26622
extracurricular activity under division (C) of this section 26623
unless the student has committed an act described in division 26624
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 26625

(3) If a pupil is removed under division (C) (1) or (2) of 26626
this section from a curricular activity or from the school 26627
premises, written notice of the hearing and of the reason for 26628
the removal shall be given to the pupil as soon as practicable 26629
prior to the hearing, which shall be held on the next school day 26630
after the initial removal is ordered. The hearing shall be held 26631
in accordance with division (A) of this section unless it is 26632
probable that the pupil may be subject to expulsion, in which 26633
case a hearing in accordance with division (B) of this section 26634
shall be held, except that the hearing shall be held on the next 26635
school day after the date of the initial removal. The individual 26636
who ordered, caused, or requested the removal to be made shall 26637
be present at the hearing. 26638

(4) If the superintendent or the principal reinstates a 26639
pupil in a curricular activity under the teacher's supervision 26640

prior to the hearing following a removal under this division, 26641
the teacher, upon request, shall be given in writing the reasons 26642
for such reinstatement. 26643

(D) The superintendent or principal, within one school day 26644
after the time of a pupil's expulsion or suspension, shall 26645
notify in writing the parent, guardian, or custodian of the 26646
pupil of the expulsion or suspension. In the case of an 26647
expulsion, the superintendent or principal, within one school 26648
day after the time of a pupil's expulsion, also shall notify in 26649
writing the treasurer of the board of education. Each notice 26650
shall include the reasons for the expulsion or suspension, 26651
notification of the right of the pupil or the pupil's parent, 26652
guardian, or custodian to appeal the expulsion or suspension to 26653
the board of education or to its designee, to be represented in 26654
all appeal proceedings, to be granted a hearing before the board 26655
or its designee in order to be heard against the suspension or 26656
expulsion, and to request that the hearing be held in executive 26657
session, notification that the expulsion may be subject to 26658
extension pursuant to division (F) of this section if the pupil 26659
is sixteen years of age or older, and notification that the 26660
superintendent may seek the pupil's permanent exclusion if the 26661
suspension or expulsion was based on a violation listed in 26662
division (A) of section 3313.662 of the Revised Code that was 26663
committed when the child was sixteen years of age or older and 26664
if the pupil is convicted of or adjudicated a delinquent child 26665
for that violation. 26666

In accordance with the policy adopted by the board of 26667
education under section 3313.661 of the Revised Code, the notice 26668
provided under this division shall specify the manner and date 26669
by which the pupil or the pupil's parent, guardian, or custodian 26670
shall notify the board of the pupil's, parent's, guardian's, or 26671

custodian's intent to appeal the expulsion or suspension to the board or its designee. 26672
26673

Any superintendent expelling a pupil under this section 26674
for more than twenty school days or for any period of time if 26675
the expulsion will extend into the following semester or school 26676
year shall, in the notice required under this division, provide 26677
the pupil and the pupil's parent, guardian, or custodian with 26678
information about services or programs offered by public and 26679
private agencies that work toward improving those aspects of the 26680
pupil's attitudes and behavior that contributed to the incident 26681
that gave rise to the pupil's expulsion. The information shall 26682
include the names, addresses, and phone numbers of the 26683
appropriate public and private agencies. 26684

(E) A pupil or the pupil's parent, guardian, or custodian 26685
may appeal the pupil's expulsion by a superintendent or 26686
suspension by a superintendent, principal, assistant principal, 26687
or other administrator to the board of education or to its 26688
designee. If the pupil or the pupil's parent, guardian, or 26689
custodian intends to appeal the expulsion or suspension to the 26690
board or its designee, the pupil or the pupil's parent, 26691
guardian, or custodian shall notify the board in the manner and 26692
by the date specified in the notice provided under division (D) 26693
of this section. The pupil or the pupil's parent, guardian, or 26694
custodian may be represented in all appeal proceedings and shall 26695
be granted a hearing before the board or its designee in order 26696
to be heard against the suspension or expulsion. At the request 26697
of the pupil or of the pupil's parent, guardian, custodian, or 26698
attorney, the board or its designee may hold the hearing in 26699
executive session but shall act upon the suspension or expulsion 26700
only at a public meeting. The board, by a majority vote of its 26701
full membership or by the action of its designee, may affirm the 26702

order of suspension or expulsion, reinstate the pupil, or 26703
otherwise reverse, vacate, or modify the order of suspension or 26704
expulsion. 26705

The board or its designee shall make a verbatim record of 26706
hearings held under this division. The decisions of the board or 26707
its designee may be appealed under Chapter 2506. of the Revised 26708
Code. 26709

This section shall not be construed to require notice and 26710
hearing in accordance with division (A), (B), or (C) of this 26711
section in the case of normal disciplinary procedures in which a 26712
pupil is removed from a curricular activity for a period of less 26713
than one school day and is not subject to suspension or 26714
expulsion. 26715

(F) (1) If a pupil is expelled pursuant to division (B) of 26716
this section for committing any violation listed in division (A) 26717
of section 3313.662 of the Revised Code and the pupil was 26718
sixteen years of age or older at the time of committing the 26719
violation, if a complaint, indictment, or information is filed 26720
alleging that the pupil is a delinquent child based upon the 26721
commission of the violation or the pupil is prosecuted as an 26722
adult for the commission of the violation, and if the resultant 26723
juvenile court or criminal proceeding is pending at the time 26724
that the expulsion terminates, the superintendent of schools 26725
that expelled the pupil may file a motion with the court in 26726
which the proceeding is pending requesting an order extending 26727
the expulsion for the lesser of an additional eighty days or the 26728
number of school days remaining in the school year. Upon the 26729
filing of the motion, the court immediately shall schedule a 26730
hearing and give written notice of the time, date, and location 26731
of the hearing to the superintendent and to the pupil and the 26732

pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe that the pupil committed the alleged violation that is the basis of the expulsion and, upon determining that reasonable cause to believe the pupil committed the violation does exist, shall grant the requested extension.

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the ~~superintendent of public instruction~~ director of education and workforce pursuant to section 3301.121 and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(G) The failure of the superintendent or the board of

education to provide the information regarding the possibility 26764
of permanent exclusion in the notice required by divisions (A), 26765
(B), and (D) of this section is not jurisdictional, and the 26766
failure shall not affect the validity of any suspension or 26767
expulsion procedure that is conducted in accordance with this 26768
section or the validity of a permanent exclusion procedure that 26769
is conducted in accordance with sections 3301.121 and 3313.662 26770
of the Revised Code. 26771

(H) With regard to suspensions and expulsions pursuant to 26772
divisions (A) and (B) of this section by the board of education 26773
of any city, exempted village, or local school district, this 26774
section shall apply to any student, whether or not the student 26775
is enrolled in the district, attending or otherwise 26776
participating in any curricular program provided in a school 26777
operated by the board or provided on any other property owned or 26778
controlled by the board. 26779

(I) Whenever a student is expelled under this section, the 26780
expulsion shall result in removal of the student from the 26781
student's regular school setting. However, during the period of 26782
the expulsion, the board of education of the school district 26783
that expelled the student or any board of education admitting 26784
the student during that expulsion period may provide educational 26785
services to the student in an alternative setting. 26786

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 26787
3313.64, and 3313.65 of the Revised Code, any school district, 26788
after offering an opportunity for a hearing, may temporarily 26789
deny admittance to any pupil if one of the following applies: 26790

(a) The pupil has been suspended from the schools of 26791
another district under division (A) of this section and the 26792
period of suspension, as established under that division, has 26793

not expired; 26794

(b) The pupil has been expelled from the schools of 26795
another district under division (B) of this section and the 26796
period of the expulsion, as established under that division or 26797
as extended under division (F) of this section, has not expired. 26798

If a pupil is temporarily denied admission under this 26799
division, the pupil shall be admitted to school in accordance 26800
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26801
Revised Code no later than upon expiration of the suspension or 26802
expulsion period, as applicable. 26803

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 26804
and 3313.65 of the Revised Code, any school district, after 26805
offering an opportunity for a hearing, may temporarily deny 26806
admittance to any pupil if the pupil has been expelled or 26807
otherwise removed for disciplinary purposes from a public school 26808
in another state and the period of expulsion or removal has not 26809
expired. If a pupil is temporarily denied admission under this 26810
division, the pupil shall be admitted to school in accordance 26811
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26812
Revised Code no later than the earlier of the following: 26813

(a) Upon expiration of the expulsion or removal period 26814
imposed by the out-of-state school; 26815

(b) Upon expiration of a period established by the 26816
district, beginning with the date of expulsion or removal from 26817
the out-of-state school, that is no greater than the period of 26818
expulsion that the pupil would have received under the policy 26819
adopted by the district under section 3313.661 of the Revised 26820
Code had the offense that gave rise to the expulsion or removal 26821
by the out-of-state school been committed while the pupil was 26822

enrolled in the district. 26823

(K) As used in this section: 26824

(1) "Permanently exclude" and "permanent exclusion" have 26825
the same meanings as in section 3313.662 of the Revised Code. 26826

(2) "In-school suspension" means the pupil will serve all 26827
of the suspension in a supervised learning environment within a 26828
school setting. 26829

Sec. 3313.662. (A) The ~~superintendent of public~~ 26830
~~instruction~~director of education and workforce, pursuant to this 26831
section and the adjudication procedures of section 3301.121 of 26832
the Revised Code, may issue an adjudication order that 26833
permanently excludes a pupil from attending any of the public 26834
schools of this state if the pupil is convicted of, or 26835
adjudicated a delinquent child for, committing, when the pupil 26836
was sixteen years of age or older, an act that would be a 26837
criminal offense if committed by an adult and if the act is any 26838
of the following: 26839

(1) A violation of section 2923.122 of the Revised Code; 26840

(2) A violation of section 2923.12 of the Revised Code, of 26841
a substantially similar municipal ordinance, or of section 26842
2925.03 of the Revised Code that was committed on property owned 26843
or controlled by, or at an activity held under the auspices of, 26844
a board of education of a city, local, exempted village, or 26845
joint vocational school district; 26846

(3) A violation of section 2925.11 of the Revised Code, 26847
other than a violation of that section that would be a minor 26848
drug possession offense, that was committed on property owned or 26849
controlled by, or at an activity held under the auspices of, the 26850
board of education of a city, local, exempted village, or joint 26851

vocational school district; 26852

(4) A violation of section 2903.01, 2903.02, 2903.03, 26853
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 26854
section 2907.12 of the Revised Code that was committed on 26855
property owned or controlled by, or at an activity held under 26856
the auspices of, a board of education of a city, local, exempted 26857
village, or joint vocational school district, if the victim at 26858
the time of the commission of the act was an employee of that 26859
board of education; 26860

(5) Complicity in any violation described in division (A) 26861
(1), (2), (3), or (4) of this section that was alleged to have 26862
been committed in the manner described in division (A)(1), (2), 26863
(3), or (4) of this section, regardless of whether the act of 26864
complicity was committed on property owned or controlled by, or 26865
at an activity held under the auspices of, a board of education 26866
of a city, local, exempted village, or joint vocational school 26867
district. 26868

(B) A pupil may be suspended or expelled in accordance 26869
with section 3313.66 of the Revised Code prior to being 26870
permanently excluded from public school attendance under this 26871
section and section 3301.121 of the Revised Code. 26872

(C) (1) If the superintendent of a city, local, exempted 26873
village, or joint vocational school district in which a pupil 26874
attends school obtains or receives proof that the pupil has been 26875
convicted of committing when the pupil was sixteen years of age 26876
or older a violation listed in division (A) of this section or 26877
adjudicated a delinquent child for the commission when the pupil 26878
was sixteen years of age or older of a violation listed in 26879
division (A) of this section, the superintendent may issue to 26880
the board of education of the school district a request that the 26881

pupil be permanently excluded from public school attendance, if 26882
both of the following apply: 26883

(a) After obtaining or receiving proof of the conviction 26884
or adjudication, the superintendent or the superintendent's 26885
designee determines that the pupil's continued attendance in 26886
school may endanger the health and safety of other pupils or 26887
school employees and gives the pupil and the pupil's parent, 26888
guardian, or custodian written notice that the superintendent 26889
intends to recommend to the board of education that the board 26890
adopt a resolution requesting the ~~superintendent of public~~ 26891
~~instruction~~ director of education and workforce to permanently 26892
exclude the pupil from public school attendance. 26893

(b) The superintendent or the superintendent's designee 26894
forwards to the board of education the superintendent's written 26895
recommendation that includes the determinations the 26896
superintendent or designee made pursuant to division (C) (1) (a) 26897
of this section and a copy of the proof the superintendent 26898
received showing that the pupil has been convicted of or 26899
adjudicated a delinquent child for a violation listed in 26900
division (A) of this section that was committed when the pupil 26901
was sixteen years of age or older. 26902

(2) Within fourteen days after receipt of a recommendation 26903
from the superintendent pursuant to division (C) (1) (b) of this 26904
section that a pupil be permanently excluded from public school 26905
attendance, the board of education of a city, local, exempted 26906
village, or joint vocational school district, after review and 26907
consideration of all of the following available information, may 26908
adopt a resolution requesting the ~~superintendent of public~~ 26909
~~instruction~~ director of education and workforce to permanently 26910
exclude the pupil who is the subject of the recommendation from 26911

public school attendance:	26912
(a) The academic record of the pupil and a record of any	26913
extracurricular activities in which the pupil previously was	26914
involved;	26915
(b) The disciplinary record of the pupil and any available	26916
records of the pupil's prior behavioral problems other than the	26917
behavioral problems contained in the disciplinary record;	26918
(c) The social history of the pupil;	26919
(d) The pupil's response to the imposition of prior	26920
discipline and sanctions imposed for behavioral problems;	26921
(e) Evidence regarding the seriousness of and any	26922
aggravating factors related to the offense that is the basis of	26923
the resolution seeking permanent exclusion;	26924
(f) Any mitigating circumstances surrounding the offense	26925
that gave rise to the request for permanent exclusion;	26926
(g) Evidence regarding the probable danger posed to the	26927
health and safety of other pupils or of school employees by the	26928
continued presence of the pupil in a public school setting;	26929
(h) Evidence regarding the probable disruption of the	26930
teaching of any school district's graded course of study by the	26931
continued presence of the pupil in a public school setting;	26932
(i) Evidence regarding the availability of alternative	26933
sanctions of a less serious nature than permanent exclusion that	26934
would enable the pupil to remain in a public school setting	26935
without posing a significant danger to the health and safety of	26936
other pupils or of school employees and without posing a threat	26937
of the disruption of the teaching of any district's graded	26938
course of study.	26939

(3) If the board does not adopt a resolution requesting 26940
the ~~superintendent of public instruction~~ director to permanently 26941
exclude the pupil, it immediately shall send written notice of 26942
that fact to the district superintendent who sought the 26943
resolution, to the pupil who was the subject of the proposed 26944
resolution, and to that pupil's parent, guardian, or custodian. 26945

(D) (1) Upon adoption of a resolution under division (C) of 26946
this section, the board of education immediately shall forward 26947
to the ~~superintendent of public instruction~~ director of 26948
education and workforce the written resolution, proof of the 26949
conviction or adjudication that is the basis of the resolution, 26950
a copy of the pupil's entire school record, and any other 26951
relevant information and shall forward a copy of the resolution 26952
to the pupil who is the subject of the recommendation and to 26953
that pupil's parent, guardian, or custodian. 26954

(2) The board of education that adopted and forwarded the 26955
resolution requesting the permanent exclusion of the pupil to 26956
the ~~superintendent of public instruction~~ director promptly shall 26957
designate a representative of the school district to present the 26958
case for permanent exclusion to the superintendent or the 26959
referee appointed by the superintendent. The representative of 26960
the school district may be an attorney admitted to the practice 26961
of law in this state. At the adjudication hearing held pursuant 26962
to section 3301.121 of the Revised Code, the representative of 26963
the school district shall present evidence in support of the 26964
requested permanent exclusion. 26965

(3) Upon receipt of a board of education's resolution 26966
requesting the permanent exclusion of a pupil from public school 26967
attendance, the ~~superintendent of public instruction~~ director, in 26968
accordance with the adjudication procedures of section 3301.121 26969

of the Revised Code, promptly shall issue an adjudication order 26970
that either permanently excludes the pupil from attending any of 26971
the public schools of this state or that rejects the resolution 26972
of the board of education. 26973

(E) Notwithstanding any provision of section 3313.64 of 26974
the Revised Code or an order of any court of this state that 26975
otherwise requires the admission of the pupil to a school, no 26976
school official in a city, local, exempted village, or joint 26977
vocational school district knowingly shall admit to any school 26978
in the school district a pupil who has been permanently excluded 26979
from public school attendance by the ~~superintendent of public~~ 26980
~~instruction~~ director of education and workforce. 26981

(F) (1) (a) Upon determining that the school attendance of a 26982
pupil who has been permanently excluded from public school 26983
attendance no longer will endanger the health and safety of 26984
other students or school employees, the superintendent of any 26985
city, local, exempted village, or joint vocational school 26986
district in which the pupil desires to attend school may issue 26987
to the board of education of the school district a 26988
recommendation, including the reasons for the recommendation, 26989
that the permanent exclusion of a pupil be revoked and the pupil 26990
be allowed to return to the public schools of the state. 26991

If any violation which in whole or in part gave rise to 26992
the permanent exclusion of any pupil involved the pupil's 26993
bringing a firearm to a school operated by the board of 26994
education of a school district or onto any other property owned 26995
or operated by such a board, no superintendent shall recommend 26996
under this division an effective date for the revocation of the 26997
pupil's permanent exclusion that is less than one year after the 26998
date on which the last such firearm incident occurred. However, 26999

on a case-by-case basis, a superintendent may recommend an 27000
earlier effective date for such a revocation for any of the 27001
reasons for which the superintendent may reduce the one-year 27002
expulsion requirement in division (B) (2) of section 3313.66 of 27003
the Revised Code. 27004

(b) Upon receipt of the recommendation of the 27005
superintendent that a permanent exclusion of a pupil be revoked, 27006
the board of education of a city, local, exempted village, or 27007
joint vocational school district may adopt a resolution by a 27008
majority vote of its members requesting the ~~superintendent of~~ 27009
~~public instruction~~ director of education and workforce to revoke 27010
the permanent exclusion of the pupil. Upon adoption of the 27011
resolution, the board of education shall forward a copy of the 27012
resolution, the reasons for the resolution, and any other 27013
relevant information to the ~~superintendent of public~~ 27014
~~instruction~~ director. 27015

(c) Upon receipt of a resolution of a board of education 27016
requesting the revocation of a permanent exclusion of a pupil, 27017
the ~~superintendent of public instruction~~ director, in accordance 27018
with the adjudication procedures of Chapter 119. of the Revised 27019
Code, shall issue an adjudication order that revokes the 27020
permanent exclusion of the pupil from public school attendance 27021
or that rejects the resolution of the board of education. 27022

(2) (a) A pupil who has been permanently excluded pursuant 27023
to this section and section 3301.121 of the Revised Code may 27024
request the superintendent of any city, local, exempted village, 27025
or joint vocational school district in which the pupil desires 27026
to attend school to admit the pupil on a probationary basis for 27027
a period not to exceed ninety school days. Upon receiving the 27028
request, the superintendent may enter into discussions with the 27029

pupil and with the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian to develop a probationary admission plan designed to assist the pupil's probationary admission to the school. The plan may include a treatment program, a behavioral modification program, or any other program reasonably designed to meet the educational needs of the child and the disciplinary requirements of the school.

If any violation which in whole or in part gave rise to the permanent exclusion of the pupil involved the pupil's bringing a firearm to a school operated by the board of education of any school district or onto any other property owned or operated by such a board, no plan developed under this division for the pupil shall include an effective date for the probationary admission of the pupil that is less than one year after the date on which the last such firearm incident occurred except that on a case-by-case basis, a plan may include an earlier effective date for such an admission for any of the reasons for which the superintendent of the district may reduce the one-year expulsion requirement in division (B) (2) of section 3313.66 of the Revised Code.

(b) If the superintendent of a school district, a pupil, and the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian agree upon a probationary admission plan prepared pursuant to division (F) (2) (a) of this section, the superintendent of the school district shall issue to the board of education of the school district a recommendation that the pupil be allowed to attend school within the school district under probationary admission, the reasons for the recommendation, and a copy of the agreed upon probationary admission plan. Within fourteen days after the

board of education receives the recommendation, reasons, and 27061
plan, the board may adopt the recommendation by a majority vote 27062
of its members. If the board adopts the recommendation, the 27063
pupil may attend school under probationary admission within that 27064
school district for a period not to exceed ninety days or any 27065
additional probationary period permitted under divisions (F) (2) 27066
(d) and (e) of this section in accordance with the probationary 27067
admission plan prepared pursuant to division (F) (2) (a) of this 27068
section. 27069

(c) If a pupil who is permitted to attend school under 27070
probationary admission pursuant to division (F) (2) (b) of this 27071
section fails to comply with the probationary admission plan 27072
prepared pursuant to division (F) (2) (a) of this section, the 27073
superintendent of the school district immediately may remove the 27074
pupil from the school and issue to the board of education of the 27075
school district a recommendation that the probationary admission 27076
be revoked. Within five days after the board of education 27077
receives the recommendation, the board may adopt the 27078
recommendation to revoke the pupil's probationary admission by a 27079
majority vote of its members. If a majority of the board does 27080
not adopt the recommendation to revoke the pupil's probationary 27081
admission, the pupil shall continue to attend school in 27082
compliance with the pupil's probationary admission plan. 27083

(d) If a pupil who is permitted to attend school under 27084
probationary admission pursuant to division (F) (2) (b) of this 27085
section complies with the probationary admission plan prepared 27086
pursuant to division (F) (2) (a) of this section, the pupil or the 27087
pupil's parent, guardian, or custodian, at any time before the 27088
expiration of the ninety-day probationary admission period, may 27089
request the superintendent of the school district to extend the 27090
terms and period of the pupil's probationary admission for a 27091

period not to exceed ninety days or to issue a recommendation 27092
pursuant to division (F) (1) of this section that the pupil's 27093
permanent exclusion be revoked and the pupil be allowed to 27094
return to the public schools of this state. 27095

(e) If a pupil is granted an extension of the pupil's 27096
probationary admission pursuant to division (F) (2) (d) of this 27097
section, the pupil or the pupil's parent, guardian, or 27098
custodian, in the manner described in that division, may 27099
request, and the superintendent and board, in the manner 27100
described in that division, may recommend and grant, subsequent 27101
probationary admission periods not to exceed ninety days each. 27102
If a pupil who is permitted to attend school under an extension 27103
of a probationary admission plan complies with the probationary 27104
admission plan prepared pursuant to the extension, the pupil or 27105
the pupil's parent, guardian, or custodian may request a 27106
revocation of the pupil's permanent exclusion in the manner 27107
described in division (F) (2) (d) of this section. 27108

(f) Any extension of a probationary admission requested by 27109
a pupil or a pupil's parent, guardian, or custodian pursuant to 27110
divisions (F) (2) (d) or (e) of this section shall be subject to 27111
the adoption and approval of a probationary admission plan in 27112
the manner described in divisions (F) (2) (a) and (b) of this 27113
section and may be terminated as provided in division (F) (2) (c) 27114
of this section. 27115

(g) If the pupil has complied with any probationary 27116
admission plan and the superintendent issues a recommendation 27117
that seeks revocation of the pupil's permanent exclusion 27118
pursuant to division (F) (1) of this section, the pupil's 27119
compliance with any probationary admission plan may be 27120
considered along with other relevant factors in any 27121

determination or adjudication conducted pursuant to division (F) 27122
(1) of this section. 27123

(G) (1) Except as provided in division (G) (2) of this 27124
section, any information regarding the permanent exclusion of a 27125
pupil shall be included in the pupil's official records and 27126
shall be included in any records sent to any school district 27127
that requests the pupil's records. 27128

(2) When a pupil who has been permanently excluded from 27129
public school attendance reaches the age of twenty-two or when 27130
the permanent exclusion of a pupil has been revoked, all school 27131
districts that maintain records regarding the pupil's permanent 27132
exclusion shall remove all references to the exclusion from the 27133
pupil's file and shall destroy them. 27134

A pupil who has reached the age of twenty-two or whose 27135
permanent exclusion has been revoked may send a written notice 27136
to the superintendent of any school district maintaining records 27137
of the pupil's permanent exclusion requesting the superintendent 27138
to ensure that the records are removed from the pupil's file and 27139
destroyed. Upon receipt of the request and a determination that 27140
the pupil is twenty-two years of age or older or that the 27141
pupil's permanent exclusion has been revoked, the superintendent 27142
shall ensure that the records are removed from the pupil's file 27143
and destroyed. 27144

(H) (1) This section does not apply to any of the 27145
following: 27146

(a) An institution that is a residential facility, that 27147
receives and cares for children, that is maintained by the 27148
department of youth services, and that operates a school 27149
chartered by the ~~state board~~ director of education and workforce 27150

under section 3301.16 of the Revised Code; 27151

(b) Any on-premises school operated by an out-of-home care 27152
entity, other than a school district, that is chartered by the 27153
~~state board~~ director of education and workforce under section 27154
3301.16 of the Revised Code; 27155

(c) Any school operated in connection with an out-of-home 27156
care entity or a nonresidential youth treatment program that 27157
enters into a contract or agreement with a school district for 27158
the provision of educational services in a setting other than a 27159
setting that is a building or structure owned or controlled by 27160
the board of education of the school district during normal 27161
school hours. 27162

(2) This section does not prohibit any person who has been 27163
permanently excluded pursuant to this section and section 27164
3301.121 of the Revised Code from seeking a certificate of high 27165
school equivalence. A person who has been permanently excluded 27166
may be permitted to participate in a course of study in 27167
preparation for a high school equivalency test approved by the 27168
department of education and workforce pursuant to division (B) 27169
of section 3301.80 of the Revised Code, except that the person 27170
shall not participate during normal school hours in that course 27171
of study in any building or structure owned or controlled by the 27172
board of education of a school district. 27173

(3) This section does not relieve any school district from 27174
any requirement under section 2151.362 or 3313.64 of the Revised 27175
Code to pay for the cost of educating any child who has been 27176
permanently excluded pursuant to this section and section 27177
3301.121 of the Revised Code. 27178

(I) As used in this section: 27179

(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.

(5) "Nonresidential youth treatment program" means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.

(6) "Firearm" has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a) (2).

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

Sec. 3313.671. (A) (1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high 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, shall be permitted

to remain in school for more than fourteen days unless the pupil 27209
presents written evidence satisfactory to the person in charge 27210
of admission, that the pupil has been immunized by a method of 27211
immunization approved by the department of health pursuant to 27212
section 3701.13 of the Revised Code against mumps, 27213
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 27214
rubella or is in the process of being immunized. 27215

(2) Except as provided in division (B) of this section, no 27216
pupil who begins kindergarten at an elementary school subject to 27217
the ~~state board of education's~~ director's minimum standards 27218
shall be permitted to remain in school for more than fourteen 27219
days unless the pupil presents written evidence satisfactory to 27220
the person in charge of admission that the pupil has been 27221
immunized by a department of health-approved method of 27222
immunization or is in the process of being immunized against 27223
both of the following: 27224

(a) During or after the school year beginning in 1999, 27225
hepatitis B; 27226

(b) During or after the school year beginning in 2006, 27227
chicken pox. 27228

(3) Except as provided in division (B) of this section, 27229
during and after the school year beginning in 2016, no pupil who 27230
is the age or older than the age at which immunization against 27231
meningococcal disease is recommended by the state department of 27232
health shall be permitted to remain in a school subject to the 27233
~~state board of education's~~ director's minimum standards for more 27234
than fourteen days unless the pupil presents written evidence 27235
satisfactory to the person in charge of admission that the pupil 27236
has been immunized by a department of health-approved method of 27237
immunization, or is in the process of being immunized, against 27238

meningococcal disease. 27239

(4) As used in divisions (A)(1), (2), and (3) of this 27240
section, "in the process of being immunized" means the pupil has 27241
been immunized against mumps, rubeola, rubella, and chicken pox, 27242
and if the pupil has not been immunized against poliomyelitis, 27243
diphtheria, pertussis, tetanus, hepatitis B, and meningococcal 27244
disease, the pupil has received at least the first dose of the 27245
immunization sequence, and presents written evidence to the 27246
pupil's building principal or chief administrative officer of 27247
each subsequent dose required to obtain immunization at the 27248
intervals prescribed by the director of health. Any student 27249
previously admitted under the "in process of being immunized" 27250
provision and who has not complied with the immunization 27251
intervals prescribed by the director of health shall be excluded 27252
from school on the fifteenth day of the following school year. 27253
Any student so excluded shall be readmitted upon showing 27254
evidence to the student's building principal or chief 27255
administrative officer of progress on the director of health's 27256
interval schedule. 27257

(B)(1) A pupil who has had natural rubeola, and presents a 27258
signed statement from the pupil's parent, guardian, or physician 27259
to that effect, is not required to be immunized against rubeola. 27260

(2) A pupil who has had natural mumps, and presents a 27261
signed statement from the pupil's parent, guardian, or physician 27262
to that effect, is not required to be immunized against mumps. 27263

(3) A pupil who has had natural chicken pox, and presents 27264
a signed statement from the pupil's parent, guardian, or 27265
physician to that effect, is not required to be immunized 27266
against chicken pox. 27267

(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.

The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps,

poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 27297
and hepatitis B to pupils who are not so provided by their 27298
parents or guardians. 27299

(E) The department of health shall specify the age at 27300
which immunization against meningococcal disease, as required by 27301
division (A) (3) of this section, is recommended, and approve a 27302
method of immunization against meningococcal disease. 27303

Sec. 3313.674. (A) Except as provided in division (D) of 27304
this section, the board of education of each city, exempted 27305
village, or local school district and the governing authority of 27306
each chartered nonpublic school may require each student 27307
enrolled in kindergarten, third grade, fifth grade, and ninth 27308
grade to undergo a screening for body mass index and weight 27309
status category. 27310

(B) The board or governing authority may provide any 27311
screenings authorized by this section itself, contract with 27312
another entity for provision of the screenings, or request the 27313
parent or guardian of each student subject to the screening to 27314
obtain the screening from a provider selected by the parent or 27315
guardian and to submit the results to the board or governing 27316
authority. If the board or governing authority provides the 27317
screenings itself or contracts with another entity for provision 27318
of the screenings, the board or governing authority shall 27319
protect student privacy by ensuring that each student is 27320
screened alone and not in the presence of other students or 27321
staff. 27322

(C) Each school year, each board or governing authority 27323
electing to require the screening shall provide the parent or 27324
guardian of each student subject to the screening with 27325
information about the screening program. If the board or 27326

governing authority requests parents and guardians to obtain a 27327
screening from a provider of their choosing, the board or 27328
governing authority shall provide them with a list of providers 27329
and information about screening services available in the 27330
community to parents and guardians who cannot afford a private 27331
provider. 27332

(D) If the parent or guardian of a student subject to the 27333
screening signs and submits to the board or governing authority 27334
a written statement indicating that the parent or guardian does 27335
not wish to have the student undergo the screening, the board or 27336
governing authority shall not require the student to be 27337
screened. 27338

(E) The board or governing authority shall notify the 27339
parent or guardian of each student screened under this section 27340
of any health risks associated with the student's results and 27341
shall provide the parent or guardian with information about 27342
appropriately addressing the risks. For this purpose, the 27343
department of health, in consultation with the department of 27344
education and workforce, shall develop a list of documents, 27345
pamphlets, or other resources that may be distributed to parents 27346
and guardians under this division. 27347

(F) The board or governing authority shall maintain the 27348
confidentiality of each student's individual screening results 27349
at all times. No board or governing authority shall report a 27350
student's individual screening results to any person other than 27351
the student's parent or guardian. 27352

(G) In a manner prescribed by rule of the director of 27353
health, each board or governing authority electing to require 27354
the screening shall report aggregated body mass index and weight 27355
status category data collected under this section, and any other 27356

demographic data required by the director, to the department of 27357
health. In the case of a school district, data shall be 27358
aggregated for the district as a whole and not for individual 27359
schools within the district, unless the district operates only 27360
one school. In the case of a chartered nonpublic school, data 27361
shall be aggregated for the school as a whole. The department 27362
annually may publish the data reported under this division, 27363
aggregated by county. For each county in which a district, 27364
community school, STEM school, or chartered nonpublic school has 27365
elected not to require the screening for a school year for which 27366
data is published, the department shall note that the data for 27367
the county in which the district or school is located is 27368
incomplete. The department may share data reported under this 27369
division with other governmental entities for the purpose of 27370
monitoring population health, making reports, or public health 27371
promotional activities. 27372

Sec. 3313.71. School physicians may make examinations, 27373
which shall include tests to determine the existence of hearing 27374
defects, and diagnoses of all children referred to them. They 27375
may make such examination of teachers and other school employees 27376
and inspection of school buildings as in their opinion the 27377
protection of health of the pupils, teachers, and other school 27378
employees requires. 27379

Boards of education shall require and provide, in 27380
accordance with section 3313.67 of the Revised Code, such tests 27381
and examinations for tuberculosis of pupils in selected grades 27382
and of school employees as may be required by the director of 27383
health. 27384

Boards may require annual tuberculin tests of any grades. 27385
All pupils with positive reactions to the test shall have chest 27386

x-rays and all positive reactions and x-ray findings shall be 27387
reported promptly to the county record bureau of tuberculosis 27388
cases provided for in section 339.74 of the Revised Code. Boards 27389
shall waive the required test where a pupil presents a written 27390
statement from the pupil's family physician certifying that such 27391
test has been given and that such pupil is free from 27392
tuberculosis in a communicable stage, or that such test is 27393
inadvisable for medical reasons, or from the pupil's parent or 27394
guardian objecting to such test because of religious 27395
convictions. 27396

Whenever a pupil, teacher, or other school employee is 27397
found to be ill or suffering from tuberculosis in a communicable 27398
stage or other communicable disease, the school physician shall 27399
promptly send such pupil, teacher, or other school employee 27400
home, with a statement, in the case of a pupil, to the pupil's 27401
parents or guardian, briefly setting forth the discovered facts, 27402
and advising that the family physician be consulted. School 27403
physicians shall keep accurate card-index records of all 27404
examinations, and said records, that they may be uniform 27405
throughout the state, shall be according to the form prescribed 27406
by the ~~state board~~ department of education and workforce, and 27407
the reports shall be made according to the method of ~~said that~~ 27408
form. If the parent or guardian of any pupil or any teacher or 27409
other school employee, after notice from the board of education, 27410
furnishes within two weeks thereafter the written certificate of 27411
any reputable physician that the pupil, teacher, or other school 27412
employee has been examined, in such cases the service of the 27413
school physician shall be dispensed with, and such certificate 27414
shall be furnished by such parent or guardian, as required by 27415
the board of education. Such individual records shall not be 27416
open to the public and shall be solely for the use of the boards 27417

of education and boards of health officer. If any teacher or 27418
other school employee is found to have tuberculosis in a 27419
communicable stage or other communicable disease, the teacher's 27420
or employee's employment shall be discontinued or suspended upon 27421
such terms as to salary as the board deems just until the school 27422
physician has certified to a recovery from such disease. The 27423
methods of making the tuberculin tests and chest x-rays required 27424
by this section shall be such as are approved by the director of 27425
health. 27426

This section shall apply to all elementary and high 27427
schools for which the ~~state board~~ director of education and 27428
workforce sets minimum standards pursuant to section 3301.07 of 27429
the Revised Code. 27430

Sec. 3313.7110. (A) The board of education of each city, 27431
local, exempted village, or joint vocational school district may 27432
procure epinephrine autoinjectors for each school operated by 27433
the district to have on the school premises for use in emergency 27434
situations identified under division (C)(5) of this section by 27435
doing one of the following: 27436

(1) Having a licensed health professional authorized to 27437
prescribe drugs, acting in accordance with section 4723.483, 27438
4730.433, or 4731.96 of the Revised Code, personally furnish the 27439
epinephrine autoinjectors to the school or school district or 27440
issue a prescription for them in the name of the school or 27441
district; 27442

(2) Having the district's superintendent obtain a 27443
prescriber-issued protocol that includes definitive orders for 27444
epinephrine autoinjectors and the dosages of epinephrine to be 27445
administered through them. 27446

A district board that elects to procure epinephrine autoinjectors under this section is encouraged to maintain, at all times, at least two epinephrine autoinjectors at each school operated by the district.

(B) A district board that elects to procure epinephrine autoinjectors under this section shall require the district's superintendent to adopt a policy governing their maintenance and use. Before adopting the policy, the superintendent shall consult with a licensed health professional authorized to prescribe drugs.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Identify the one or more locations in each school operated by the district in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(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 27476
contractors specified under division (C) (3) of this section may 27477
access and use an epinephrine autoinjector; 27478

(6) Specify that assistance from an emergency medical 27479
service provider must be requested immediately after an 27480
epinephrine autoinjector is used; 27481

(7) Specify the individuals, in addition to students, 27482
school employees or contractors, and school visitors, to whom a 27483
dosage of epinephrine may be administered through an epinephrine 27484
autoinjector in an emergency situation specified under division 27485
(C) (5) of this section. 27486

(D) (1) The following are not liable in damages in a civil 27487
action for injury, death, or loss to person or property that 27488
allegedly arises from an act or omission associated with 27489
procuring, maintaining, accessing, or using an epinephrine 27490
autoinjector under this section, unless the act or omission 27491
constitutes willful or wanton misconduct: 27492

(a) A school or school district; 27493

(b) A member of a district board of education; 27494

(c) A district or school employee or contractor; 27495

(d) A licensed health professional authorized to prescribe 27496
drugs who personally furnishes or prescribes epinephrine 27497
autoinjectors, consults with a superintendent, or issues a 27498
protocol pursuant to this section. 27499

(2) This section does not eliminate, limit, or reduce any 27500
other immunity or defense that a school or school district, 27501
member of a district board of education, district or school 27502
employee or contractor, or licensed health professional may be 27503

entitled to under Chapter 2744. or any other provision of the 27504
Revised Code or under the common law of this state. 27505

(E) A school district board of education may accept 27506
donations of epinephrine autoinjectors from a wholesale 27507
distributor of dangerous drugs or a manufacturer of dangerous 27508
drugs, as defined in section 4729.01 of the Revised Code, and 27509
may accept donations of money from any person to purchase 27510
epinephrine autoinjectors. 27511

(F) A district board that elects to procure epinephrine 27512
autoinjectors under this section shall report to the department 27513
of education and workforce each procurement and occurrence in 27514
which an epinephrine autoinjector is used from a school's supply 27515
of epinephrine autoinjectors. 27516

(G) As used in this section, "licensed health professional 27517
authorized to prescribe drugs" and "prescriber" have the same 27518
meanings as in section 4729.01 of the Revised Code. 27519

Sec. 3313.7111. (A) With the approval of its governing 27520
authority, a chartered or nonchartered nonpublic school may 27521
procure epinephrine autoinjectors in the manner prescribed by 27522
section 3313.7110 of the Revised Code. A chartered or 27523
nonchartered nonpublic school that elects to do so shall comply 27524
with all provisions of that section as if it were a school 27525
district. 27526

(B) (1) The following are not liable in damages in a civil 27527
action for injury, death, or loss to person or property that 27528
allegedly arises from an act or omission associated with 27529
procuring, maintaining, accessing, or using an epinephrine 27530
autoinjector under this section, unless the act or omission 27531
constitutes willful or wanton misconduct: 27532

(a) A chartered or nonchartered nonpublic school;	27533
(b) A member of a chartered or nonchartered nonpublic school governing authority;	27534 27535
(c) An employee or contractor of the school;	27536
(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.	27537 27538 27539 27540
(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.	27541 27542 27543 27544 27545 27546 27547
(C) A chartered or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	27548 27549 27550 27551 27552 27553
(D) A chartered or nonchartered nonpublic school 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 the school's supply of epinephrine autoinjectors.	27554 27555 27556 27557 27558
Sec. 3313.7112. (A) As used in this section:	27559
(1) "Board of education" means a board of education of a	27560

city, local, exempted village, or joint vocational school 27561
district. 27562

(2) "Governing authority" means a governing authority of a 27563
chartered nonpublic school. 27564

(3) "Licensed health care professional" means any of the 27565
following: 27566

(a) A physician authorized under Chapter 4731. of the 27567
Revised Code to practice medicine and surgery or osteopathic 27568
medicine and surgery; 27569

(b) A registered nurse, advanced practice registered 27570
nurse, or licensed practical nurse licensed under Chapter 4723. 27571
of the Revised Code; 27572

(c) A physician assistant licensed under Chapter 4730. of 27573
the Revised Code. 27574

(4) "Local health department" means a department operated 27575
by a board of health of a city or general health district or the 27576
authority having the duties of a board of health as described in 27577
section 3709.05 of the Revised Code. 27578

(5) "School employee" or "employee" means either of the 27579
following: 27580

(a) A person employed by a board of education or governing 27581
authority; 27582

(b) A licensed health care professional employed by or 27583
under contract with a local health department who is assigned to 27584
a school in a city, local, exempted village, or joint vocational 27585
school district or a chartered nonpublic school. 27586

(6) "Treating practitioner" means any of the following who 27587

has primary responsibility for treating a student's diabetes and 27588
has been identified as such by the student's parent, guardian, 27589
or other person having care or charge of the student or, if the 27590
student is at least eighteen years of age, by the student: 27591

(a) A physician authorized under Chapter 4731. of the 27592
Revised Code to practice medicine and surgery or osteopathic 27593
medicine and surgery; 27594

(b) An advanced practice registered nurse who holds a 27595
current, valid license to practice nursing as an advanced 27596
practice registered nurse issued under Chapter 4723. of the 27597
Revised Code and is designated as a clinical nurse specialist or 27598
certified nurse practitioner in accordance with section 4723.42 27599
of the Revised Code; 27600

(c) A physician assistant who holds a license issued under 27601
Chapter 4730. of the Revised Code, holds a valid prescriber 27602
number issued by the state medical board, and has been granted 27603
physician-delegated prescriptive authority. 27604

(7) "504 plan" means a plan based on an evaluation 27605
conducted in accordance with section 504 of the "Rehabilitation 27606
Act of 1973," 29 U.S.C. 794, as amended. 27607

(B) (1) Each board of education or governing authority 27608
shall ensure that each student enrolled in the school district 27609
or chartered nonpublic school who has diabetes receives 27610
appropriate and needed diabetes care in accordance with an order 27611
signed by the student's treating practitioner. The diabetes care 27612
to be provided includes any of the following: 27613

(a) Checking and recording blood glucose levels and ketone 27614
levels or assisting the student with checking and recording 27615
these levels; 27616

(b) Responding to blood glucose levels that are outside of the student's target range;	27617 27618
(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;	27619 27620
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	27621 27622 27623
(e) Providing oral diabetes medications;	27624
(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;	27625 27626 27627
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	27628 27629
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	27630 27631 27632
(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the 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 <u>and workforce</u> 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.	27633 27634 27635 27636 27637 27638 27639 27640 27641 27642 27643
(C) Notwithstanding division (B) of section 3313.713 of	27644

the Revised Code or any other provision of the Revised Code, 27645
diabetes medication may be administered under this section by a 27646
school nurse or, in the absence of a school nurse, a school 27647
employee who is trained in diabetes care under division (E) of 27648
this section. Medication administration may be provided under 27649
this section only when the conditions prescribed in division (C) 27650
of section 3313.713 of the Revised Code are satisfied. 27651

Notwithstanding division (D) of section 3313.713 of the 27652
Revised Code, medication that is to be administered under this 27653
section may be kept in an easily accessible location. 27654

(D) (1) The department of education and workforce shall 27655
adopt nationally recognized guidelines, as determined by the 27656
department, for the training of school employees in diabetes 27657
care for students. In doing so, the department shall consult 27658
with the department of health, the American diabetes 27659
association, and the Ohio school nurses association. The 27660
department may consult with any other organizations as 27661
determined appropriate by the department. 27662

(2) The guidelines shall address all of the following 27663
issues: 27664

(a) Recognizing the symptoms of hypoglycemia and 27665
hyperglycemia; 27666

(b) The appropriate treatment for a student who exhibits 27667
the symptoms of hypoglycemia or hyperglycemia; 27668

(c) Recognizing situations that require the provision of 27669
emergency medical assistance to a student; 27670

(d) Understanding the appropriate treatment for a student, 27671
based on an order issued by the student's treating practitioner, 27672
if the student's blood glucose level is not within the target 27673

range indicated by the order;	27674
(e) Understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;	27675 27676 27677
(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;	27678 27679 27680
(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;	27681 27682 27683 27684
(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.	27685 27686 27687 27688
(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 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:	27689 27690 27691 27692 27693 27694 27695
(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.	27696 27697 27698 27699
(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	27700 27701 27702

of an order signed by the treating practitioner of a student 27703
with diabetes. 27704

(c) On completion of the training, the board of education 27705
or governing authority, in a manner it determines, shall 27706
determine whether each employee trained is competent to provide 27707
diabetes care. 27708

(d) The school nurse or approved licensed health care 27709
professional with expertise in diabetes care shall promptly 27710
provide all necessary follow-up training and supervision to an 27711
employee who receives training. 27712

(2) The principal of a school attended by a student with 27713
diabetes or another school official authorized to act on behalf 27714
of the principal may distribute a written notice to each 27715
employee containing all of the following: 27716

(a) A statement that the school is required to provide 27717
diabetes care to a student with diabetes and is seeking 27718
employees who are willing to be trained to provide that care; 27719

(b) A description of the tasks to be performed; 27720

(c) A statement that participation is voluntary and that 27721
the school district or governing authority will not take action 27722
against an employee who does not agree to provide diabetes care; 27723

(d) A statement that training will be provided by a 27724
licensed health care professional to an employee who agrees to 27725
provide care; 27726

(e) A statement that a trained employee is immune from 27727
liability under division (J) of this section; 27728

(f) The name of the individual who should be contacted if 27729
an employee is interested in providing diabetes care. 27730

(3) No employee of a board of education or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care.

(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section.

(F) A board of education or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following:

(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day;

(2) A bus driver employed by a school district or chartered nonpublic school responsible for the transportation of a student with diabetes.

(G) A student with diabetes shall be permitted to attend the school the student would otherwise attend if the student did not have diabetes and the diabetes care specified in division (B) of this section shall be provided at the school. A board of education or governing authority shall not restrict a student who has diabetes from attending the school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have an employee trained in diabetes care. The school shall not require or pressure a parent, guardian, or other person having care or charge of a student to provide diabetes care for the student with diabetes at school or school-related activities.

(H) (1) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section and except as provided in division (H) (2) of this section, on written request of the parent, guardian, or other person having care or charge of a student and authorization by the student's treating practitioner, a student with diabetes shall be permitted during regular school hours and school-sponsored activities to attend to the care and management of the student's diabetes in accordance with the order issued by the student's treating practitioner if the student's treating practitioner determines that the student is capable of performing diabetes care tasks. The student shall be permitted to perform diabetes care tasks in a classroom, in any area of the school or school grounds, and at any school-related activity, and to possess on the student's self at all times all necessary supplies and equipment to perform these tasks. If the student or the parent, guardian, or other person having care or charge of the student so requests, the student shall have access to a private area for performing diabetes care tasks. 27760-27778

(2) If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the board of education or governing authority may revoke the student's permission to attend to the care and management of the student's diabetes. 27779-27783

(I) (1) Notwithstanding any other provision of the Revised Code to the contrary, a licensed health care professional shall be permitted to provide training to a school employee under division (E) of this section or to supervise the employee in performing diabetes care tasks. 27784-27788

(2) Nothing in this section diminishes the rights of 27789

eligible students or the obligations of school districts or 27790
governing authorities under the "Individuals with Disabilities 27791
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 27792
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 27793
Disabilities Act," 42 U.S.C. 12101 et seq. 27794

(J) (1) A school or school district, a member of a board or 27795
governing authority, or a district or school employee is not 27796
liable in damages in a civil action for injury, death, or loss 27797
to person or property allegedly arising from providing care or 27798
performing duties under this section unless the act or omission 27799
constitutes willful or wanton misconduct. 27800

This section does not eliminate, limit, or reduce any 27801
other immunity or defense that a school or school district, 27802
member of a board of education or governing authority, or 27803
district or school employee may be entitled to under Chapter 27804
2744. or any other provision of the Revised Code or under the 27805
common law of this state. 27806

(2) A school employee shall not be subject to disciplinary 27807
action under school or district policies for providing care or 27808
performing duties under this section. 27809

(3) A school nurse or other licensed health care 27810
professional shall be immune from disciplinary action by the 27811
board of nursing or any other regulatory board for providing 27812
care or performing duties under this section if the care 27813
provided or duties performed are consistent with applicable 27814
professional standards. 27815

(K) (1) Not later than the last day of December of each 27816
year, a board of education or governing authority shall report 27817
to the department of education and workforce both of the 27818

following: 27819

(a) The number of students with diabetes enrolled in the 27820
school district or chartered nonpublic school during the 27821
previous school year; 27822

(b) The number of errors associated with the 27823
administration of diabetes medication to students with diabetes 27824
during the previous school year. 27825

(2) Not later than the last day of March of each year, the 27826
department shall issue a report summarizing the information 27827
received by the department under division (K)(1) of this section 27828
for the previous school year. The department shall make the 27829
report available on its internet web site. 27830

Sec. 3313.7113. (A) As used in this section, "inhaler" 27831
means a device that delivers medication to alleviate asthmatic 27832
symptoms, is manufactured in the form of a metered dose inhaler 27833
or dry powdered inhaler, and may include a spacer, holding 27834
chamber, or other device that attaches to the inhaler and is 27835
used to improve the delivery of the medication. 27836

(B) The board of education of each city, local, exempted 27837
village, or joint vocational school district may procure 27838
inhalers for each school operated by the district to have on the 27839
school premises for use in emergency situations identified under 27840
division (D)(5) of this section. A district board that elects to 27841
procure inhalers under this section is encouraged to maintain, 27842
at all times, at least two inhalers at each school operated by 27843
the district. 27844

(C) A district board that elects to procure inhalers under 27845
this section shall require the district's superintendent to 27846
adopt a policy governing their maintenance and use. Before 27847

adopting the policy, the superintendent shall consult with a 27848
licensed health professional authorized to prescribe drugs, as 27849
defined in section 4729.01 of the Revised Code. 27850

(D) A component of a policy adopted by a superintendent 27851
under division (C) of this section shall be a prescriber-issued 27852
protocol specifying definitive orders for inhalers, including 27853
the dosages of medication to be administered through them, the 27854
number of times that each inhaler may be used before disposal, 27855
and the methods of disposal. The policy also shall do all of the 27856
following: 27857

(1) Identify the one or more locations in each school 27858
operated by the district in which an inhaler must be stored; 27859

(2) Specify the conditions under which an inhaler must be 27860
stored, replaced, and disposed; 27861

(3) Specify the individuals employed by or under contract 27862
with the district board, in addition to a school nurse or an 27863
athletic trainer, licensed under Chapter 4755. of the Revised 27864
Code, who may access and use an inhaler to provide a dosage of 27865
medication to an individual in an emergency situation identified 27866
under division (D) (5) of this section; 27867

(4) Specify any training that employees or contractors 27868
specified under division (D) (3) of this section, other than a 27869
school nurse or athletic trainer, must complete before being 27870
authorized to access and use an inhaler; 27871

(5) Identify the emergency situations, including when an 27872
individual exhibits signs and symptoms of asthma, in which a 27873
school nurse, athletic trainer, or other employees or 27874
contractors specified under division (D) (3) of this section may 27875
access and use an inhaler; 27876

(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;

(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.

(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.

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, or district or 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.

(F) A school district board of education may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A district board that elects to procure inhalers under

this section shall report to the department of education and 27906
workforce each procurement and occurrence in which an inhaler is 27907
used from a school's supply of inhalers. 27908

Sec. 3313.7114. (A) As used in this section, "inhaler" has 27909
the same meaning as in section 3313.7113 of the Revised Code. 27910

(B) With the approval of its governing authority, a 27911
chartered or nonchartered nonpublic school may procure inhalers 27912
in the manner prescribed by section 3313.7113 of the Revised 27913
Code. A chartered or nonchartered nonpublic school that elects 27914
to do so shall comply with all provisions of that section as if 27915
it were a school district. 27916

(C) A chartered or nonchartered nonpublic school, a member 27917
of a chartered or nonchartered nonpublic school governing 27918
authority, or an employee or contractor of the school is not 27919
liable in damages in a civil action for injury, death, or loss 27920
to person or property that allegedly arises from an act or 27921
omission associated with procuring, maintaining, accessing, or 27922
using an inhaler under this section, unless the act or omission 27923
constitutes willful or wanton misconduct. 27924

(D) A chartered or nonchartered nonpublic school may 27925
accept donations of inhalers from a wholesale distributor of 27926
dangerous drugs or a manufacturer of dangerous drugs, as defined 27927
in section 4729.01 of the Revised Code, and may accept donations 27928
of money from any person to purchase inhalers. 27929

(E) A chartered or nonchartered nonpublic school that 27930
elects to procure inhalers under this section shall report to 27931
the department of education and workforce each procurement and 27932
occurrence in which an inhaler is used from the school's supply 27933
of inhalers. 27934

Sec. 3313.7115. (A) As used in this section, "licensed 27935
health professional authorized to prescribe drugs" and 27936
"prescriber" have the same meanings as in section 4729.01 of the 27937
Revised Code. 27938

(B) The board of education of each city, local, exempted 27939
village, or joint vocational school district may procure 27940
injectable or nasally administered glucagon for each school 27941
operated by the district to have on the school premises for use 27942
in emergency situations identified under division (D) (5) of this 27943
section by doing one of the following: 27944

(1) Having a licensed health professional authorized to 27945
prescribe drugs, acting in accordance with section 4723.484, 27946
4730.434, or 4731.92 of the Revised Code, personally furnish the 27947
injectable or nasally administered glucagon to the school or 27948
school district or issue a prescription for the drug in the name 27949
of the school or district; 27950

(2) Having the district's superintendent obtain a 27951
prescriber-issued protocol that includes definitive orders for 27952
injectable or nasally administered glucagon and the dosages to 27953
be administered. 27954

A district board that elects to procure injectable or 27955
nasally administered glucagon under this section is encouraged 27956
to maintain, at all times, at least two doses of the drug at 27957
each school operated by the district. 27958

(C) A district board that elects to procure injectable or 27959
nasally administered glucagon under this section shall require 27960
the district's superintendent to adopt a policy governing 27961
maintenance and use of the drug. Before adopting the policy, the 27962
superintendent shall consult with a licensed health professional 27963

authorized to prescribe drugs. 27964

(D) The policy adopted under division (C) of this section 27965
shall do all of the following: 27966

(1) Identify the one or more locations in each school 27967
operated by the district in which injectable or nasally 27968
administered glucagon must be stored; 27969

(2) Specify the conditions under which injectable or 27970
nasally administered glucagon must be stored, replaced, and 27971
disposed; 27972

(3) Specify the individuals employed by or under contract 27973
with the district board, in addition to a school nurse licensed 27974
under section 3319.221 of the Revised Code or an athletic 27975
trainer licensed under Chapter 4755. of the Revised Code, who 27976
may access and use injectable or nasally administered glucagon 27977
in an emergency situation identified under division (D) (5) of 27978
this section; 27979

(4) Specify any training that employees or contractors 27980
specified under division (D) (3) of this section, other than a 27981
school nurse or athletic trainer, must complete before being 27982
authorized to access and use injectable or nasally administered 27983
glucagon; 27984

(5) Identify the emergency situations in which a school 27985
nurse, athletic trainer, or other employees or contractors 27986
specified under division (D) (3) of this section may access and 27987
use injectable or nasally administered glucagon; 27988

(6) Specify that assistance from an emergency medical 27989
service provider must be requested immediately after a dose of 27990
glucagon is administered; 27991

(7) Specify the individuals, if any, in addition to 27992
students, to whom a dose of glucagon may be administered in an 27993
emergency situation specified under division (D)(5) of this 27994
section. 27995

(E) (1) The following are not liable in damages in a civil 27996
action for injury, death, or loss to person or property that 27997
allegedly arises from an act or omission associated with 27998
procuring, maintaining, accessing, or using injectable or 27999
nasally administered glucagon under this section, unless the act 28000
or omission constitutes willful or wanton misconduct: 28001

(a) A school or school district; 28002

(b) A member of a district board of education; 28003

(c) A district or school employee or contractor; 28004

(d) A licensed health professional authorized to prescribe 28005
drugs who personally furnishes or prescribes injectable or 28006
nasally administered glucagon, consults with a superintendent, 28007
or issues a protocol pursuant to this section. 28008

(2) This section does not eliminate, limit, or reduce any 28009
other immunity or defense that a school or school district, 28010
member of a district board of education, district or school 28011
employee or contractor, or licensed health professional may be 28012
entitled to under Chapter 2744. or any other provision of the 28013
Revised Code or under the common law of this state. 28014

(F) A school district board of education may accept 28015
donations of injectable or nasally administered glucagon from a 28016
wholesale distributor of dangerous drugs or manufacturer of 28017
dangerous drugs, as defined in section 4729.01 of the Revised 28018
Code, and may accept donations of money from any person to 28019
purchase the drug. 28020

(G) A district board that elects to procure injectable or 28021
nasally administered glucagon under this section shall report to 28022
the department of education and workforce each procurement and 28023
each occurrence in which a dose of the drug is used from a 28024
school's supply. 28025

Sec. 3313.7116. (A) With the approval of its governing 28026
authority, a chartered or nonchartered nonpublic school may 28027
procure injectable or nasally administered glucagon in the 28028
manner prescribed by section 3313.7115 of the Revised Code. A 28029
chartered or nonchartered nonpublic school that elects to do so 28030
shall comply with all provisions of that section as if it were a 28031
school district. 28032

(B) (1) The following are not liable in damages in a civil 28033
action for injury, death, or loss to person or property that 28034
allegedly arises from an act or omission associated with 28035
procuring, maintaining, accessing, or using injectable or 28036
nasally administered glucagon under this section, unless the act 28037
or omission constitutes willful or wanton misconduct: 28038

(a) A chartered or nonchartered nonpublic school; 28039

(b) A member of a chartered or nonchartered nonpublic 28040
school governing authority; 28041

(c) An employee or contractor of the school; 28042

(d) A licensed health professional authorized to prescribe 28043
drugs who personally furnishes or prescribes injectable or 28044
nasally administered glucagon, provides a consultation, or 28045
issues a protocol pursuant to this section. 28046

(2) This division does not eliminate, limit, or reduce any 28047
other immunity or defense that a chartered or nonchartered 28048
nonpublic school or governing authority, member of a chartered 28049

or nonchartered nonpublic school governing authority, chartered 28050
or nonchartered nonpublic school employee or contractor, or 28051
licensed health professional may be entitled to under any other 28052
provision of the Revised Code or the common law of this state. 28053

(C) A chartered or nonchartered nonpublic school may 28054
accept donations of injectable or nasally administered glucagon 28055
from a wholesale distributor of dangerous drugs or manufacturer 28056
of dangerous drugs, as defined in section 4729.01 of the Revised 28057
Code, and may accept donations of money from any person to 28058
purchase the drug. 28059

(D) A chartered or nonchartered nonpublic school that 28060
elects to procure injectable or nasally administered glucagon 28061
under this section shall report to the department of education 28062
and workforce each procurement and each occurrence in which a 28063
dose of the drug is used from the school's supply. 28064

Sec. 3313.81. The board of education of any city, exempted 28065
village, or local school district may establish food service, 28066
provide facilities and equipment, and pay operating costs in the 28067
schools under its control for the preparation and serving of 28068
lunches, and other meals or refreshments to the pupils, 28069
employees of the board of education employed therein, and to 28070
other persons taking part in or patronizing any activity in 28071
connection with the schools. A board of education that operates 28072
such a food service may also provide meals at cost to residents 28073
of the school district who are sixty years of age or older or 28074
may contract with public or private nonprofit organizations 28075
providing services to the elderly to provide nutritious meals 28076
for persons who are sixty years of age or older. Restrictions or 28077
limitations upon the privileges or use of facilities by any 28078
pupil, employee, person taking part in or patronizing a school- 28079

related activity, or elderly person must be applied equally to 28080
all pupils, all employees, all persons taking part in or 28081
patronizing a school-related activity, or elderly persons, 28082
respectively, except that a board may expend school funds other 28083
than funds from federally reimbursed moneys or student payments 28084
to provide meals at no charge to senior citizens performing 28085
volunteer services in the district's schools in accordance with 28086
a volunteer program approved by the board. 28087

Such facilities shall be under the management and control 28088
of the board and the operation of such facilities for school 28089
food service purposes or to provide meals for the elderly shall 28090
not be for profit. In the operation of such facilities for 28091
school food service purposes there shall be established a food 28092
service fund in the treasurer's cash journal, which shall be 28093
separate from all other funds of the board. All receipts and 28094
disbursements in connection with the operation of food service 28095
for school food service purposes and the maintenance, 28096
improvement, and purchase of equipment for school food service 28097
purposes shall be paid directly into and disbursed from the food 28098
service fund which shall be kept in a legally designated 28099
depository of the board. Revenues for the operation, 28100
maintenance, improvement, and purchase of equipment shall be 28101
provided by the food service fund, appropriations transferred 28102
from the general fund, federal funds, and from other proper 28103
sources. Records of receipts and disbursements resulting from 28104
the provision of meals for the elderly shall be separately 28105
maintained, in accordance with section 3313.29 of the Revised 28106
Code. 28107

The enforcement of this section shall be under 28108
jurisdiction of the ~~state board~~ department of education and 28109
workforce. 28110

Sec. 3313.811. No board, the principal or teacher of any schoolroom, or class organization of any school district shall sell or offer for sale, or supervise the sale of uniform school supplies, foods, candies, or like supplies for profit on the school premises except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school on whose premises such uniform school supplies, food, candies, or supplies are sold or offered for sale. No individual student or class of students, acting as an agent for any person or group of persons directly connected with the school shall sell or offer for sale for profit outside the school building, any such articles, except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school.

Uniform school supplies are those adopted by the board for use in the schools of the district.

The enforcement of this section shall be under the jurisdiction of the ~~state board~~ department of education and workforce.

The school district board of education shall provide revolving accounts for the purchase and sale of uniform school supplies either by appropriations from the general fund or accumulation from sales or receipts. Such accounts shall be kept separate from other transactions of the board.

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

(1) "Outdoor education center" means a public or nonprofit private entity that provides to pupils enrolled in any public or chartered nonpublic elementary or secondary school an outdoor educational curriculum that the school considers to be part of

its educational program. 28140

(2) "Outside-school-hours care center" has the meaning 28141
established in 7 C.F.R. 226.2. 28142

(B) The ~~state board of education and workforce~~ 28143
shall establish standards for a school lunch program, school 28144
breakfast program, child and adult care food program, special 28145
food service program for children, summer food service program 28146
for children, special milk program for children, food service 28147
equipment assistance program, and commodity distribution program 28148
established under the "National School Lunch Act," 60 Stat. 230 28149
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 28150
of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of 28151
education of a school district, nonprofit private school, 28152
outdoor education center, child care institution, outside- 28153
school-hours care center, or summer camp desiring to participate 28154
in such a program or required to participate under this section 28155
shall, if eligible to participate under the "National School 28156
Lunch Act," as amended, or the "Child Nutrition Act of 1966," as 28157
amended, make application to the ~~state board of education-~~ 28158
department for assistance. The board shall administer the 28159
allocation and distribution of all state and federal funds for 28160
these programs. 28161

(C) The ~~state board of education department~~ shall require 28162
the board of education of each school district to establish and 28163
maintain a school breakfast, lunch, and summer food service 28164
program pursuant to the "National School Lunch Act" and the 28165
"Child Nutrition Act of 1966," as described in divisions (C) (1) 28166
to (4) of this section. 28167

(1) The ~~state board department~~ shall require the board of 28168
education in each school district to establish a breakfast 28169

program in every school where at least one-fifth of the pupils 28170
in the school are eligible under federal requirements for free 28171
breakfasts and to establish a lunch program in every school 28172
where at least one-fifth of the pupils are eligible for free 28173
lunches. The board of education required to establish a 28174
breakfast program under this division may make a charge in 28175
accordance with federal requirements for each reduced price 28176
breakfast or paid breakfast to cover the cost incurred in 28177
providing that meal. 28178

(2) The ~~state board~~ department shall require the board of 28179
education in each school district to establish a breakfast 28180
program in every school in which the parents of at least one- 28181
half of the children enrolled in the school have requested that 28182
the breakfast program be established. The board of education 28183
required to establish a program under this division may make a 28184
charge in accordance with federal requirements for each meal to 28185
cover all or part of the costs incurred in establishing such a 28186
program. 28187

A breakfast program established under division (C) (1) or 28188
(2) of this section shall be operated in accordance with section 28189
3313.818 of the Revised Code in any school meeting the 28190
conditions prescribed by that section. 28191

(3) The ~~state board~~ department shall require the board of 28192
education in each school district to establish one of the 28193
following for summer intervention services described in division 28194
(D) of section 3301.0711 or provided under section 3313.608 of 28195
the Revised Code, and any other summer intervention program 28196
required by law: 28197

(a) An extension of the school breakfast program pursuant 28198
to the "National School Lunch Act" and the "Child Nutrition Act 28199

of 1966"; 28200

(b) An extension of the school lunch program pursuant to 28201
those acts; 28202

(c) A summer food service program pursuant to those acts. 28203

(4) (a) If the board of education of a school district 28204
determines that, for financial reasons, it cannot comply with 28205
division (C) (1) or (3) of this section, the district board may 28206
choose not to comply with either or both divisions, except as 28207
provided in divisions (C) (4) (b) and (c) of this section. The 28208
district board publicly shall communicate to the residents of 28209
the district, in the manner it determines appropriate, its 28210
decision not to comply. 28211

(b) If a district board chooses not to comply with 28212
division (C) (1) of this section, the ~~state board~~department 28213
nevertheless shall require the district board to establish a 28214
breakfast program in every school where at least one-third of 28215
the pupils in the school are eligible under federal requirements 28216
for free breakfasts and to establish a lunch program in every 28217
school where at least one-third of the pupils are eligible for 28218
free lunches. The district board may make a charge in accordance 28219
with federal requirements for each reduced price breakfast or 28220
paid breakfast to cover the cost incurred in providing that 28221
meal. 28222

(c) If the board of education of a school district chooses 28223
not to comply with division (C) (3) of this section, the ~~state~~ 28224
~~board~~department nevertheless shall require the district board 28225
to permit an approved summer food service program sponsor to use 28226
school facilities located in a school building attendance area 28227
where at least one-half of the pupils are eligible for free 28228

lunches. 28229

The department ~~of education~~ shall post in a prominent 28230
location on the department's web site a list of approved summer 28231
food service program sponsors that may use school facilities 28232
under this division. 28233

Subject to the provisions of sections 3313.75 and 3313.77 28234
of the Revised Code, a school district may charge the summer 28235
food service program sponsor a reasonable fee for the use of 28236
school facilities that may include the actual cost of custodial 28237
services, charges for the use of school equipment, and a 28238
prorated share of the utility costs as determined by the 28239
district board. A school district shall require the summer food 28240
service program sponsor to indemnify and hold harmless the 28241
district from any potential liability resulting from the 28242
operation of the summer food service program under this 28243
division. For this purpose, the district shall either add the 28244
summer food service program sponsor, as an additional insured 28245
party, to the district's existing liability insurance policy or 28246
require the summer food service program sponsor to submit 28247
evidence of a separate liability insurance policy, for an amount 28248
approved by the district board. The summer food service program 28249
sponsor shall be responsible for any costs incurred in obtaining 28250
coverage under either option. 28251

(d) If a school district cannot for good cause comply with 28252
the requirements of division (C) (2) or (4) (b) or (c) of this 28253
section at the time the ~~state board~~ department determines that a 28254
district is subject to these requirements, the ~~state board~~ 28255
department shall grant a reasonable extension of time. Good 28256
cause for an extension of time shall include, but need not be 28257
limited to, economic impossibility of compliance with the 28258

requirements at the time the ~~state board~~ department determines 28259
that a district is subject to them. 28260

(D) (1) The ~~state board~~ department shall accept the 28261
application of any outdoor education center in the state making 28262
application for participation in a program pursuant to division 28263
(B) of this section. 28264

(2) For purposes of participation in any program pursuant 28265
to this section, the board shall certify any outdoor education 28266
center making application as an educational unit that is part of 28267
the educational system of the state, if the center: 28268

(a) Meets the definition of an outdoor education center; 28269

(b) Provides its outdoor education curriculum to pupils on 28270
an overnight basis so that pupils are in residence at the center 28271
for more than twenty-four consecutive hours; 28272

(c) Operates under public or nonprofit private ownership 28273
in a single building or complex of buildings. 28274

(3) The board shall approve any outdoor education center 28275
certified under this division for participation in the program 28276
for which the center is making application on the same basis as 28277
any other applicant for that program. 28278

(E) Any school district board of education or chartered 28279
nonpublic school that participates in a breakfast program 28280
pursuant to this section may offer breakfast to pupils in their 28281
classrooms during the school day. However, any school that is 28282
subject to section 3313.818 of the Revised Code shall offer 28283
breakfast to pupils in accordance with that section. 28284

(F) Notwithstanding anything in this section to the 28285
contrary, in each fiscal year in which the general assembly 28286

appropriates funds for purposes of this division, the board of 28287
education of each school district and each chartered nonpublic 28288
school that participates in a breakfast program pursuant to this 28289
section shall provide a breakfast free of charge to each pupil 28290
who is eligible under federal requirements for a reduced price 28291
breakfast. 28292

Sec. 3313.814. (A) As used in this section and sections 28293
3313.816 and 3313.817 of the Revised Code: 28294

(1) "A la carte item" means an individually priced food or 28295
beverage item that is available for sale to students through any 28296
of the following: 28297

(a) A school food service program; 28298

(b) A vending machine located on school property; 28299

(c) A store operated by the school, a student association, 28300
or other school-sponsored organization. 28301

"A la carte item" does not include any food or beverage 28302
item available for sale in connection with a school-sponsored 28303
fundraiser held outside of the regular school day, any other 28304
school-sponsored event held outside of the regular school day, 28305
or an interscholastic athletic event. "A la carte item" also 28306
does not include any food or beverage item that is part of a 28307
reimbursable meal and that is available for sale as an 28308
individually priced item in a serving portion of the same size 28309
as in the reimbursable meal, regardless of whether the food or 28310
beverage item is included in the reimbursable meal served on a 28311
particular school day. 28312

(2) "Added sweeteners" means any additives that enhance 28313
the sweetness of a beverage, including processed sugar. "Added 28314
sweeteners" do not include any natural sugars found in fruit 28315

juices that are a component of the beverage. 28316

(3) "Extended school day" means the period before and 28317
after the regular school day during which students participate 28318
in school-sponsored extracurricular activities, latchkey 28319
programs as defined in section 3313.207 of the Revised Code, or 28320
other academic or enrichment programs. 28321

(4) "Regular school day" means the period each school day 28322
between the designated arrival time for students and the end of 28323
the final instructional period. 28324

(5) "Reimbursable meal" means a meal that is provided to 28325
students through a school breakfast or lunch program established 28326
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 28327
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 28328
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 28329
criteria for reimbursement established by the United States 28330
department of agriculture. 28331

(6) "School food service program" means a school food 28332
service program operated under section 3313.81 or 3313.813 of 28333
the Revised Code. 28334

(B) Each school district board of education and each 28335
chartered nonpublic school governing authority shall adopt and 28336
enforce nutrition standards governing the types of food and 28337
beverages that may be sold on the premises of its schools, and 28338
specifying the time and place each type of food or beverage may 28339
be sold. 28340

(1) In adopting the standards, the board or governing 28341
authority shall do all of the following: 28342

(a) Consider the nutritional value of each food or 28343
beverage; 28344

(b) Consult with a dietitian licensed under Chapter 4759. 28345
of the Revised Code, a dietetic technician registered by the 28346
commission on dietetic registration, or a school nutrition 28347
specialist certified or credentialed by the school nutrition 28348
association. The person with whom the board or governing 28349
authority consults may be an employee of the board or governing 28350
authority, a person contracted by the board or governing 28351
authority, or a volunteer, provided the person meets the 28352
requirements of this division. 28353

(c) Consult the dietary guidelines for Americans jointly 28354
developed by the United States department of agriculture and the 28355
United States department of health and human services and, to 28356
the maximum extent possible, incorporate the guidelines into the 28357
standards. 28358

(2) No food or beverage may be sold on any school premises 28359
except in accordance with the standards adopted by the board or 28360
governing authority. 28361

(3) The standards shall comply with sections 3313.816 and 28362
3313.817 of the Revised Code, but nothing in this section shall 28363
prohibit the standards from being more restrictive than 28364
otherwise required by those sections. 28365

(C) The nutrition standards adopted under this section 28366
shall prohibit the placement of vending machines in any 28367
classroom where students are provided instruction, unless the 28368
classroom also is used to serve students meals. This division 28369
does not apply to vending machines that sell only milk, 28370
reimbursable meals, or food and beverage items that are part of 28371
a reimbursable meal and are available for sale as individually 28372
priced items in serving portions of the same size as in the 28373
reimbursable meal. 28374

(D) Each board or governing authority shall designate 28375
staff to be responsible for ensuring that the school district or 28376
school meets the nutrition standards adopted under this section. 28377
The staff shall prepare an annual report regarding the 28378
district's or school's compliance with the standards and include 28379
it in the report to the department of education and workforce 28380
prescribed in section 3301.68 of the Revised Code. The board or 28381
governing authority annually shall schedule a presentation on 28382
the nutrition standards report at one of its regular meetings. 28383
Each district or school shall make copies of the nutrition 28384
standards report available to the public upon request. 28385

(E) The ~~state board~~ department of education and workforce 28386
shall formulate and adopt guidelines, which boards of education 28387
and chartered nonpublic schools may follow in enforcing and 28388
implementing this section. 28389

Sec. 3313.815. (A) Any school district or nonpublic school 28390
that operates a food service program pursuant to section 3313.81 28391
or 3313.813 of the Revised Code shall require at least one 28392
employee who has received instruction in methods to prevent 28393
choking and has demonstrated an ability to perform the Heimlich 28394
maneuver to be present while students are being served food. 28395

The department of education and workforce shall establish 28396
guidelines for use by districts and schools in implementing this 28397
section. 28398

(B) Any nonpublic school or employee of a nonpublic school 28399
is not liable in damages in a civil action for injury, death, or 28400
loss to person or property allegedly caused by an act or 28401
omission of the nonpublic school or an employee of the nonpublic 28402
school in connection with performance of the duties required 28403
under division (A) of this section unless such act or omission 28404

was with malicious purpose, in bad faith, or in a wanton or 28405
reckless manner. 28406

(C) This section does not create a new cause of action or 28407
substantive legal right against any person. 28408

Sec. 3313.817. (A) When the department of education and 28409
workforce is able to obtain free of charge computer software for 28410
assessing the nutritional value of foods that does all of the 28411
following, the department shall make that software available 28412
free of charge to each public and chartered nonpublic school: 28413

(1) Rates the healthiness of foods based on nutrient 28414
density; 28415

(2) Assesses the amount of calories, total fat, saturated 28416
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 28417
and vitamin C in each food item; 28418

(3) Evaluates the nutritional value of foods based on the 28419
dietary guidelines for Americans jointly developed by the United 28420
States department of agriculture and United States department of 28421
health and human services as they pertain to children and 28422
adolescents. 28423

(B) Each public and chartered nonpublic school shall use 28424
the software provided by the department under this section to 28425
determine the nutritional value of each a la carte food item 28426
available for sale at the school. 28427

(C) When the department provides software under this 28428
section, each public and chartered nonpublic school shall comply 28429
with all of the following requirements: 28430

(1) No a la carte food item shall be in the lowest rated 28431
category of foods designated by the software. 28432

(2) In the first school year in which the school is	28433
subject to this section, at least twenty per cent of the a la	28434
carte food items available for sale from each of the following	28435
sources during the regular and extended school day shall be in	28436
the highest rated category of foods designated by the software	28437
and in each school year thereafter, at least forty per cent of	28438
the a la carte food items available for sale from each of the	28439
following sources during the regular and extended school day	28440
shall be in that category:	28441
(a) A school food service program;	28442
(b) A vending machine located on school property;	28443
(c) A store operated by the school, a student association,	28444
or other school-sponsored organization.	28445
(3) Each a la carte food item that is not in the highest	28446
rated category of foods designated by the software shall meet at	28447
least two of the following criteria:	28448
(a) It contains at least five grams of protein.	28449
(b) It contains at least ten per cent of the recommended	28450
daily value of fiber.	28451
(c) It contains at least ten per cent of the recommended	28452
daily value of calcium.	28453
(d) It contains at least ten per cent of the recommended	28454
daily value of iron.	28455
(e) It contains at least ten per cent of the recommended	28456
daily value of vitamin A.	28457
(f) It contains at least ten per cent of the recommended	28458
daily value of vitamin C.	28459

(D) As an alternative to complying with division (C) of 28460
this section, a public or chartered nonpublic school may comply 28461
with the most recent guidelines for competitive foods issued by 28462
the alliance for a healthier generation with respect to the sale 28463
of a la carte food items. 28464

Sec. 3313.818. (A) (1) The department of education and 28465
workforce shall establish a program under which public schools 28466
that meet the conditions prescribed in this section shall offer 28467
breakfast to all students either before or during the school 28468
day. Each of the following shall apply: 28469

(a) In the first school year after ~~the effective date of~~ 28470
~~this section~~ October 17, 2019, the program shall apply to any 28471
public school in which seventy per cent or more of the students 28472
enrolled in the school during the previous school year were 28473
eligible under federal requirements for free or reduced-price 28474
breakfasts or lunches. 28475

(b) In the second school year after ~~the effective date of~~ 28476
~~this section~~ October 17, 2019, the program shall apply to any 28477
public school in which sixty per cent or more of the students 28478
enrolled in the school during the previous school year were 28479
eligible under federal requirements for free or reduced-price 28480
breakfasts or lunches. 28481

(c) In the third school year after the enactment date of 28482
this section and every school year thereafter, the program shall 28483
apply to any public school in which fifty per cent or more of 28484
the students enrolled in the school during the previous school 28485
year were eligible under federal requirements for free or 28486
reduced-price breakfasts or lunches. 28487

(2) The district superintendent or building principal, in 28488

consultation with the building staff, shall determine the model 28489
for serving breakfast under the program. Each breakfast served 28490
under the program shall comply with federal meal patterns and 28491
nutritional standards and with section 3313.814 of the Revised 28492
Code. A school district board of education may make a charge in 28493
accordance with federal requirements for each meal to cover all 28494
or part of the costs incurred in operating the program. 28495

(B) The department shall publish a list of public schools 28496
that meet the conditions of division (A) of this section. The 28497
department shall offer technical assistance to school districts 28498
and schools regarding the implementation of a school breakfast 28499
program that complies with this section and the submission of 28500
claims for reimbursement under the federal school breakfast 28501
program. 28502

(C) (1) The department shall monitor each school 28503
participating in the program and ensure that each participating 28504
school complies with the requirements of this section. 28505

(2) If the board of education of a school district 28506
determines that, for financial reasons, a school under the 28507
board's control cannot comply with the requirements of this 28508
section or the board already has a successful breakfast program 28509
or partnership in place, the district board may choose not to 28510
comply with those requirements. 28511

(D) Not later than the thirty-first day of December of 28512
each school year, the department shall provide statistical 28513
reports on its web site that specify the number and percentage 28514
of students participating in school breakfast programs 28515
disaggregated by school district and individual schools, 28516
including community schools, established under Chapter 3314. of 28517
the Revised Code, and STEM schools, established under Chapter 28518

3326. of the Revised Code. 28519

(E) Not later than the thirty-first day of December of 28520
each school year, the department shall prepare a report on the 28521
implementation and effectiveness of the program established 28522
under this section and submit the report to the general 28523
assembly, in accordance with section 101.68 of the Revised Code, 28524
and to the governor. The report shall include: 28525

(1) The number of students and participation rates in the 28526
free and reduced-price breakfast programs under this section for 28527
each school building; 28528

(2) The type of breakfast model used by each school 28529
building participating in the breakfast program; 28530

(3) The number of students and participation rates in free 28531
or reduced-price lunch for each school building. 28532

Sec. 3313.821. The ~~superintendent of public~~ 28533
~~instruction~~ department of education and workforce, in 28534
consultation with the governor's executive workforce board, 28535
shall establish standards for the operation of business advisory 28536
councils established by the board of education of a school 28537
district or the governing board of an educational service center 28538
under section 3313.82 of the Revised Code. The standards adopted 28539
by the ~~state superintendent~~ department shall include at least 28540
the following requirements: 28541

(A) Each advisory council and the board of education or 28542
governing board that established it shall develop a plan by 28543
which the advisory council shall advise the board of at least 28544
those matters specified by the board pursuant to section 3313.82 28545
of the Revised Code. 28546

(B) Each plan developed pursuant to division (A) of this 28547

section shall be filed with the department of education and 28548
workforce. 28549

(C) Each business advisory council shall meet with its 28550
school board at least quarterly. 28551

(D) Each business advisory council and its school board 28552
shall file a joint statement, not later than the first day of 28553
March of each school year, describing how the school district or 28554
service center and its business advisory council has fulfilled 28555
their responsibilities pursuant to this section and section 28556
3313.82 of the Revised Code. 28557

Sec. 3313.843. (A) Notwithstanding division (D) of section 28558
3311.52 of the Revised Code, this section does not apply to any 28559
cooperative education school district. 28560

(B) (1) The board of education of each city, exempted 28561
village, or local school district with an average daily student 28562
enrollment of sixteen thousand or less, reported for the 28563
district on the most recent report card issued under section 28564
3302.03 of the Revised Code, shall enter into an agreement with 28565
the governing board of an educational service center, under 28566
which the educational service center governing board will 28567
provide services to the district. 28568

(2) The board of education of a city, exempted village, or 28569
local school district with an average daily student enrollment 28570
of more than sixteen thousand may enter into an agreement with 28571
the governing board of an educational service center, under 28572
which the educational service center governing board will 28573
provide services to the district. 28574

(3) Services provided under an agreement entered into 28575
under division (B) (1) or (2) of this section shall be specified 28576

in the agreement, and may include any of the following: 28577
supervisory teachers; in-service and continuing education 28578
programs for district personnel; curriculum services; research 28579
and development programs; academic instruction for which the 28580
governing board employs teachers pursuant to section 3319.02 of 28581
the Revised Code; assistance in the provision of special 28582
accommodations and classes for students with disabilities; or 28583
any other services the district board and service center 28584
governing board agree can be better provided by the service 28585
center and are not provided under an agreement entered into 28586
under section 3313.845 of the Revised Code. Services included in 28587
the agreement shall be provided to the district in the manner 28588
specified in the agreement. The district board of education 28589
shall reimburse the educational service center governing board 28590
pursuant to division (H) of this section. 28591

(C) Any agreement entered into pursuant to this section 28592
shall be filed with the department of education and workforce by 28593
the first day of July of the school year for which the agreement 28594
is in effect. 28595

(D) (1) An agreement for services from an educational 28596
service center entered into under this section may be terminated 28597
by the school district board of education, at its option, by 28598
notifying the governing board of the service center by March 1, 28599
2012, or by the first day of January of any odd-numbered year 28600
thereafter, that the district board intends to terminate the 28601
agreement in that year, and that termination shall be effective 28602
on the thirtieth day of June of that year. The failure of a 28603
district board to notify an educational service center of its 28604
intent to terminate an agreement by March 1, 2012, shall result 28605
in renewal of the existing agreement for the following school 28606
year. Thereafter, the failure of a district board to notify an 28607

educational service center of its intent to terminate an 28608
agreement by the first day of January of an odd-numbered year 28609
shall result in renewal of the existing agreement for the 28610
following two school years. 28611

(2) If the school district that terminates an agreement 28612
for services under division (D) (1) of this section is also 28613
subject to the requirement of division (B) (1) of this section, 28614
the district board shall enter into a new agreement with any 28615
educational service center so that the new agreement is 28616
effective on the first day of July of that same year. 28617

(3) If all moneys owed by a school district to an 28618
educational service center under an agreement for services 28619
terminated under division (D) (1) of this section have been paid 28620
in full by the effective date of the termination, the governing 28621
board of the service center shall submit an affidavit to the 28622
department certifying that fact not later than fifteen days 28623
after the termination's effective date. Notwithstanding anything 28624
in the Revised Code to the contrary, until the department 28625
receives such an affidavit, it shall not make any payments to 28626
any other educational service center with which the district 28627
enters into an agreement under this section for services that 28628
the educational service center provides to the district. 28629

(E) An educational service center may apply to any state 28630
or federal agency for competitive grants. It may also apply to 28631
any private entity for additional funds. 28632

(F) Not later than January 1, 2014, each educational 28633
service center shall post on its web site a list of all of the 28634
services that it provides and the corresponding cost for each of 28635
those services. 28636

(G) (1) For purposes of calculating any state operating 28637
subsidy to be paid to an educational service center for the 28638
operation of that service center and any services required under 28639
Title XXXVIII of the Revised Code to be provided by the service 28640
center to a school district, the service center's student count 28641
shall be the sum of the total student counts of all the school 28642
districts with which the educational service center has entered 28643
into an agreement under this section. 28644

(2) When a district enters into a new agreement with a new 28645
educational service center, the department ~~of education~~ shall 28646
ensure that the state operating subsidy for services provided to 28647
the district is paid to the new educational service center and 28648
that the educational service center with which the district 28649
previously had an agreement is no longer paid a state operating 28650
subsidy for providing services to that district. 28651

(H) Pursuant to division (B) of section 3317.023 of the 28652
Revised Code, the department annually shall deduct from each 28653
school district that enters into an agreement with an 28654
educational service center under this section, and pay to the 28655
service center, an amount equal to six dollars and fifty cents 28656
times the school district's total student count. The district 28657
board of education, or the district superintendent acting on 28658
behalf of the district board, may agree to pay an amount in 28659
excess of six dollars and fifty cents per student in total 28660
student count. If a majority of the boards of education, or 28661
superintendents acting on behalf of the boards, of the districts 28662
that entered into an agreement under this section approve an 28663
amount in excess of six dollars and fifty cents per student in 28664
total student count, each district shall pay the excess amount 28665
to the service center. 28666

(I) (1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive bidding required by law for the purchase of supplies, materials, equipment, or services. No political subdivision shall make any purchase under this division when the political subdivision has received bids for such purchase, unless the same terms, conditions, and specifications at a lower price can be made for such purchase under this division.

(J) Any school district, community school, or STEM school that has entered into an agreement with an educational service center under this section or section 3313.844 or 3313.845 of the Revised Code shall be in compliance with federal law and exempt from competitive bidding requirements for personnel-based services pursuant to the authority granted to the Ohio department of education and workforce under federal law, provided the service center has met the following conditions:

(1) It is in compliance with division (F) of this section.

(2) It has been designated "high performing" under rule of ~~the state board of education~~ department.

(3) It has been found to be substantially in compliance

with audit rules and guidelines in its most recent audit by the auditor of state.

(K) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code.

Sec. 3313.844. The governing authority of a community school established under Chapter 3314. of the Revised Code and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the service center board will provide services to the community school. Services provided under the agreement and the amount and manner in which the community school will pay for such services shall be mutually agreed to by the school's governing authority and the service center board, and shall be specified in the service agreement. If specified in the agreement as the manner of payment, the department of education and workforce shall pay the service center the amount due to it under the agreement and shall deduct that amount from the payments made to the community school under Chapter 3314. of the Revised Code. Any agreement entered into under this section shall be valid only if a copy is filed with the department.

Sec. 3313.845. The board of education of a city, exempted village, local, or joint vocational school district and the governing board of an educational service center may enter into an agreement under which the educational service center will provide services to the school district. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the district board of education and the service center governing board, and shall be specified in the

agreement. Payment for services specified in the agreement shall 28726
be made pursuant to the terms of that agreement. If specified in 28727
the agreement as the manner of payment, the department of 28728
education and workforce shall pay the service center the amount 28729
due to it under the agreement and shall deduct that amount from 28730
the payments made to the city, exempted village, local, or joint 28731
vocational school district under Chapter 3317. of the Revised 28732
Code. Any agreement entered into pursuant to this section shall 28733
be valid only if a copy is filed with the department. 28734

The authority granted under this section to the boards of 28735
education of city, exempted village, and local school districts 28736
is in addition to the authority granted to such boards under 28737
section 3313.843 of the Revised Code. 28738

Sec. 3313.846. The governing board of an educational 28739
service center may enter into a contract with any political 28740
subdivision as defined in section 2744.01 of the Revised Code, 28741
not including school districts, community schools, or STEM 28742
schools contracting for services under section 3313.843, 28743
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 28744
the educational service center will provide services to the 28745
political subdivision. Services provided under the contract and 28746
the amount to be paid for such services shall be mutually agreed 28747
to by the parties and shall be specified in the contract. The 28748
political subdivision shall directly pay an educational service 28749
center for services specified in the contract. The board of the 28750
educational service center shall file a copy of each contract 28751
entered into under this section with the department of education 28752
and workforce by the first day the contract is in effect. 28753

Sec. 3313.90. As used in this section, "formula ADM" has 28754
the same meaning as in section 3317.02 of the Revised Code. 28755

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that apply to a city school district do not apply to any joint vocational or cooperative education school district.

(A) Except as provided in division (B) of this section, each city, local, and exempted village school district shall, by one of the following means, provide to students enrolled in grades seven through twelve career-technical education adequate to prepare a student enrolled therein for an occupation:

(1) Establishing and maintaining a career-technical education program that meets standards adopted by the ~~state board~~ department of education and workforce;

(2) Being a member of a joint vocational school district that meets standards adopted by the ~~state board~~ department;

(3) Contracting for career-technical education with a joint vocational school district or another school district that meets the standards adopted by the ~~state board~~ department.

The standards of the ~~state board of education~~ department shall include criteria for the participation by nonpublic students in career-technical education programs without financial assessment, charge, or tuition to such student except such assessments, charges, or tuition paid by resident public school students in such programs. Such nonpublic school students shall be included in the formula ADM of the school district maintaining the career-technical education program as part-time students in proportion to the time spent in the career-technical education program.

By the thirtieth day of October of each year, the ~~superintendent of public instruction~~ director of education and

workforce shall determine and certify to the superintendent of 28785
each school district subject to this section either that the 28786
district is in compliance with the requirements of this section 28787
for the current school year or that the district is not in 28788
compliance. If the ~~superintendent~~ director certifies that the 28789
district is not in compliance, ~~he~~ the director shall notify the 28790
board of education of the district of the actions necessary to 28791
bring the district into compliance with this section. 28792

In meeting standards established by the ~~state board of~~ 28793
~~education~~ department, school districts, where practicable, shall 28794
provide career-technical education programs in high schools. A 28795
minimum enrollment of fifteen hundred students in grades nine 28796
through twelve is established as a base for comprehensive 28797
career-technical education course offerings. Beginning with the 28798
2015-2016 school year, this base shall increase to a minimum 28799
enrollment of two thousand two hundred fifty students in grades 28800
seven through twelve. A school district may meet this 28801
requirement alone, through a cooperative arrangement pursuant to 28802
section 3313.92 of the Revised Code, through school district 28803
consolidation, by membership in a joint vocational school 28804
district, by contract with a school district, by contract with a 28805
school licensed by any state agency established by the Revised 28806
Code which school operates its courses offered for contracting 28807
with public schools under standards as to staffing and 28808
facilities comparable to those prescribed by the ~~state board of~~ 28809
~~education~~ department for public schools provided no instructor 28810
in such courses shall be required to be certificated by the 28811
~~state department of education~~, or in a combination of such ways. 28812
Exceptions to the minimum enrollment prescribed by this section 28813
may be made by the ~~state board of education~~ department based on 28814
sparsity of population or other factors indicating that 28815

comprehensive educational and career-technical education 28816
programs as required by this section can be provided through an 28817
alternate plan. 28818

(B) If the board of education of a city, local, or 28819
exempted village school district adopts a resolution that 28820
specifies the district's intent not to provide career-technical 28821
education to students enrolled in grades seven and eight for a 28822
particular school year and submits that resolution to the 28823
department by the thirtieth day of September of that school 28824
year, the department shall waive the requirement for that 28825
district to provide career-technical education to students 28826
enrolled in grades seven and eight for that particular school 28827
year. 28828

Sec. 3313.902. (A) As used in this section: 28829

(1) "Approved industry credential or certificate" means a 28830
credential or certificate that is approved by the chancellor of 28831
higher education. 28832

(2) "Approved institution" means an eligible institution 28833
that has been approved to participate in the adult diploma pilot 28834
program under this section. 28835

(3) "Approved program of study" means a program of study 28836
offered by an approved institution that satisfies the 28837
requirements of division (B) of this section. 28838

(4) An eligible student's "career pathway training program 28839
amount" means the following: 28840

(a) If the student is enrolled in a tier one career 28841
pathway training program, \$4,800; 28842

(b) If the student is enrolled in a tier two career 28843

pathway training program, \$3,200;	28844
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	28845 28846
(5) "Eligible institution" means any of the following:	28847
(a) A community college established under Chapter 3354. of the Revised Code;	28848 28849
(b) A technical college established under Chapter 3357. of the Revised Code;	28850 28851
(c) A state community college established under Chapter 3358. of the Revised Code;	28852 28853
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	28854 28855
(6) "Eligible student" means an individual who is at least twenty years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	28856 28857 28858 28859
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education <u>and workforce</u> .	28860 28861 28862 28863
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	28864 28865 28866 28867
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the	28868 28869 28870

department. 28871

(10) An eligible student's "work readiness training amount" means the following: 28872
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(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500. 28874
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(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750. 28878
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(B) The adult diploma pilot program is hereby established to permit an eligible institution to obtain approval from the ~~superintendent of public instruction~~ department of education and workforce and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements: 28882
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(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted ~~by the superintendent~~ under division (E) of this section while also completing requirements for an approved industry credential or certificate. 28889
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(2) The program includes career advising and outreach. 28894

(3) The program includes opportunities for students to receive a competency-based education. 28895
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state~~ 28897
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~~board of education department~~ shall grant a high school diploma 28899
to each eligible student who enrolls in an approved program of 28900
study at an approved institution and completes the requirements 28901
for obtaining a high school diploma that are specified in rules 28902
adopted ~~by the superintendent~~ under division (E) of this 28903
section. 28904

(D) (1) The department shall calculate the following amount 28905
for each eligible student enrolled in each approved 28906
institution's approved program of study: 28907

(The student's career pathway training program amount + the 28908
student's work readiness training amount) X 1.2 28909

(2) Except as provided in division (D) (4) of this section, 28910
the department shall pay the amount calculated for an eligible 28911
student under division (D) (1) of this section to the approved 28912
institution in which the student is enrolled in the following 28913
manner: 28914

(a) Twenty-five per cent of the amount calculated under 28915
division (D) (1) of this section shall be paid to the approved 28916
institution after the student successfully completes the first 28917
third of the approved program of study, as determined by the 28918
department; 28919

(b) Twenty-five per cent of the amount calculated under 28920
division (D) (1) of this section shall be paid to the approved 28921
institution after the student successfully completes the second 28922
third of the approved program of study, as determined by the 28923
department; 28924

(c) Fifty per cent of the amount calculated under division 28925
(D) (1) of this section shall be paid to the approved institution 28926
after the student successfully completes the final third of the 28927

approved program of study, as determined by the department. 28928

(3) Of the amount paid to an approved institution under 28929
division (D)(2) of this section, the institution may use the 28930
amount that is in addition to the student's career pathway 28931
training amount and the student's work readiness training amount 28932
for the associated services of the approved program of study. 28933
These services include counseling, advising, assessment, and 28934
other services as determined or required by the department. 28935

(4) If the ~~superintendent~~ department and the chancellor 28936
determine that ~~is it~~ it is appropriate for an entity other than 28937
the department to make full or partial payments for an eligible 28938
student under division (D)(2) of this section, that entity shall 28939
make those payments and the department shall not make those 28940
payments. 28941

(E) The ~~superintendent~~ director of education and workforce, 28942
in consultation with the chancellor, shall adopt rules for the 28943
implementation of the adult diploma pilot program, including all 28944
of the following: 28945

(1) The requirements for applying for program approval; 28946

(2) The requirements for obtaining a high school diploma 28947
through the program, including the requirement to obtain a 28948
passing score on an assessment that is appropriate for the 28949
career pathway training program that is being completed by the 28950
eligible student, and the date on which these requirements take 28951
effect; 28952

(3) The assessment or assessments that may be used to 28953
complete the assessment requirement for each career pathway 28954
training program under division (E)(2) of this section and the 28955
score that must be obtained on each assessment in order to pass 28956

the assessment; 28957

(4) Guidelines regarding the funding of the program under 28958
division (D) of this section, including a method of funding for 28959
students who transfer from one approved institution to another 28960
approved institution prior to completing an approved program of 28961
study; 28962

(5) Circumstances under which an eligible student may be 28963
charged for tuition, supplies, or associated fees while enrolled 28964
in an approved institution's approved program of study; 28965

(6) A requirement that an eligible student may not be 28966
charged for tuition, supplies, or associated fees while enrolled 28967
in an approved institution's approved program of study except in 28968
the circumstances described under division (E)(5) of this 28969
section; 28970

(7) The payment of federal funds that are to be used by 28971
approved programs of study at approved institutions. 28972

Sec. 3313.903. Except as otherwise required under federal 28973
law, the department of education and workforce shall consider an 28974
industry-recognized credential, as approved under section 28975
3313.6113 of the Revised Code, or a license issued by a state 28976
agency or board for practice in a vocation that requires an 28977
examination for issuance of that license as an acceptable 28978
measure of technical skill attainment and shall not require a 28979
student with such credential or license to take additional 28980
technical assessments. 28981

Additionally, the department shall not require a student 28982
who has participated in or will be participating in a 28983
credentialing assessment aligned to the student's career- 28984
technical education program or has participated in or will be 28985

participating in taking an examination for issuance of such a 28986
license aligned to the student's career-technical education 28987
program to take additional technical assessments. 28988

However, if the student does not participate in the 28989
credentialing assessment or license examination, the student 28990
shall take the applicable technical assessments prescribed by 28991
the department. 28992

The department shall develop, in consultation with the 28993
Ohio association for career and technical education, the Ohio 28994
association of career-technical superintendents, the Ohio 28995
association of city career-technical schools, and other 28996
stakeholders, procedures for identifying industry-recognized 28997
credentials and licenses aligned to a student's career-technical 28998
education program that can be used as an acceptable measure of 28999
technical skill, and for identifying students in the process of 29000
earning such credentials and licenses. The department shall 29001
consider the possibility of attaining college credit as a factor 29002
when identifying an acceptable measure of technical skill. 29003

Not later than the thirty-first day of May of each year, 29004
the department shall, in consultation with the Ohio association 29005
for career and technical education, the Ohio association of 29006
career-technical superintendents, and the Ohio association of 29007
comprehensive and compact career-technical schools, update a 29008
list developed by the department regarding technical assessments 29009
subject to this section. 29010

As used in this section, "technical assessments" shall not 29011
include the nationally recognized job skills assessment 29012
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 29013
Revised Code. 29014

Nothing in this section shall exempt a student who wishes to qualify for a high school diploma under division (A) (3) of section 3313.618 of the Revised Code from the requirement to attain a specified score on that assessment in order to qualify for a high school diploma under that section.

Sec. 3313.904. The department of education and workforce and the department of job and family services, in consultation with the governor's office of workforce transformation, shall establish an option for career-technical education students to participate in pre-apprenticeship training programs that impart the skills and knowledge needed for successful participation in a registered apprenticeship occupation course.

Sec. 3313.905. (A) Southern state community college shall establish and maintain, for a period of five years, the Ohio code-scholar pilot program to address technical workforce needs.

(B) Not later than July 31, 2021, southern state community college shall appoint a program coordinator who shall be responsible for all of the following, as well as any other responsibilities as determined by the southern state community college board of trustees:

(1) Form a coalition and act as the liaison between southern state community college and the coalition to develop the pilot program.

The coalition shall include members from the following:

(a) The department of education and workforce;

(b) Educators in grades kindergarten through twelve;

(c) Career technical education staff;

(d) Educational service center staff;

- (e) Representatives of post-secondary institutions in the areas in which the pilot program is operating; 29043
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- (f) Federally and state-funded research organizations, as determined by the southern state community college board of trustees and the program coordinator; 29045
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- (g) Local businesses in the areas in which the pilot program is operating, as determined by the southern state community college board of trustees and the program coordinator. 29048
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- (2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows: 29051
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- (a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences; 29056
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- (b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing. 29059
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- (3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program; 29062
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29064
- (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: 29065
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29067
- (a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties; 29068
29069
- (b) Brown county; 29070

(c) Pike county.	29071
(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;	29072 29073 29074
(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;	29075 29076 29077
(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;	29078 29079 29080 29081 29082
(8) Act as fiscal operator of the pilot program.	29083
(C) Upon completion of the pilot program, southern state community college, in collaboration with the program coordinator, shall submit a full report and any legislative recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding the outcomes of the pilot program.	29084 29085 29086 29087 29088 29089
Sec. 3313.906. (A) As used in this section, "digital learning" has the same meaning as in section 3301.079 of the Revised Code.	29090 29091 29092
(B) The state board <u>department of education and workforce</u> shall permit each career-technical education program approved under section 3317.161 of the Revised Code to provide remote or digital learning opportunities to students on a full-time or hybrid basis to the extent practicable.	29093 29094 29095 29096 29097
Sec. 3313.91. Notwithstanding division (D) of section	29098

3311.19 and division (D) of section 3311.52 of the Revised Code, 29099
the provisions of this section and section 3313.911 of the 29100
Revised Code that apply to a city school district do not apply 29101
to any joint vocational or cooperative education school district 29102
unless otherwise specified. 29103

The board of education of any city, local, exempted 29104
village, or joint vocational school district may contract with 29105
any public agency, board, or bureau, or with any private 29106
individual or firm for the purchase of any vocational education 29107
or vocational rehabilitation service for any resident of the 29108
district under the age of twenty-one years and may pay for such 29109
services with public funds. Any such vocational education or 29110
vocational rehabilitation service shall meet the same 29111
requirements, including those for teachers, facilities, and 29112
equipment, as those required of the public schools and be 29113
approved by the ~~state~~ department of education and workforce. 29114

The ~~state board of education department~~ may assign city, 29115
local, or exempted village school districts to joint vocational 29116
districts and pursuant to ~~state board the department's~~ rules, 29117
shall require such districts to enter into contractual 29118
agreements pursuant to section 3313.90 of the Revised Code so 29119
that special education students as well as others may receive 29120
suitable vocational services. Such rules shall prescribe a 29121
formula under which the district that contracts to receive the 29122
services agrees to pay an annual fee to the district providing 29123
the vocational education program. The amount of the fee shall be 29124
computed in accordance with a formula prescribed by ~~state board~~ 29125
the department's rule, but the rule shall permit the 29126
~~superintendent of public instruction director of education and~~ 29127
workforce to prescribe a lower fee than the amount required to 29128
be paid by the formula in cases where ~~he the director~~ 29129

determines either that the approved vocational course offerings 29130
of the district that is to pay the fee are of sufficient breadth 29131
to warrant a lower annual fee, or that the situation warrants a 29132
lower annual fee. 29133

Sec. 3313.911. The ~~state board~~ department of education and 29134
workforce may ~~adopt a resolution assigning~~ assign a city, 29135
exempted village, or local school district that is not a part of 29136
a joint vocational school district to membership in a joint 29137
vocational school district. ~~A copy of the resolution~~ The 29138
department shall ~~be certified to notify~~ the board of education 29139
of the joint vocational school district and the board of 29140
education of the district proposed to be assigned of the 29141
assignment. The board of education of the joint vocational 29142
school district shall advertise ~~a copy of the resolution~~ the 29143
assignment in a newspaper of general circulation in the district 29144
proposed to be assigned once each week for two weeks, or as 29145
provided in section 7.16 of the Revised Code, immediately 29146
following the certification of the ~~resolution~~ assignment to the 29147
board. The assignment shall take effect on the ninety-first day 29148
after the ~~state board adopts the resolution~~ department notifies 29149
the board, unless prior to that date qualified electors residing 29150
in the school district proposed for assignment, equal in number 29151
to ten per cent of the qualified electors of that district 29152
voting at the last general election, file a petition against the 29153
assignment. 29154

The petition of referendum shall be filed with the 29155
treasurer of the board of education of the district proposed to 29156
be assigned to the joint vocational school district. The 29157
treasurer shall give the person presenting the petition a 29158
receipt showing the time of day, date, and purpose of the 29159
petition. The treasurer shall cause the board of elections to 29160

determine the sufficiency of signatures on the petition and if 29161
the signatures are found to be sufficient, shall present the 29162
petition to the board of education of the district. The board of 29163
education shall promptly certify the question to the board of 29164
elections for the purpose of having the question placed on the 29165
ballot at the next general, primary, or special election not 29166
earlier than sixty days after the date of the certification. 29167

Only those qualified electors residing in the district 29168
proposed for assignment to the joint vocational school district 29169
are qualified to vote on the question. If a majority of the 29170
electors voting on the question vote against the assignment, it 29171
shall not take place, and the ~~state board of education~~ 29172
department shall require the district to contract with the joint 29173
vocational school district or another school district as 29174
authorized by section 3313.91 of the Revised Code. 29175

If a majority of the electors voting on the question do 29176
not vote against the assignment, the assignment shall take 29177
immediate effect, and the board of education of the joint 29178
vocational school district shall notify the county auditor of 29179
the county in which the school district becoming a part of the 29180
joint vocational school district is located to have any 29181
outstanding levy of the joint vocational school district spread 29182
over the territory of the school district that has become a part 29183
of the joint vocational school district. 29184

The assignment of a school district to a joint vocational 29185
school district pursuant to this section is subject to any 29186
agreements made between the board of education of the assigned 29187
school district and the board of education of the joint 29188
vocational school district. Such an agreement may include 29189
provisions for a payment by the assigned school district to the 29190

joint vocational school district of an amount to be contributed 29191
toward the cost of the existing facilities of the joint 29192
vocational school district. 29193

Sec. 3313.92. (A) The boards of education of any two or 29194
more school districts may, subject to the approval of the 29195
~~superintendent of public instruction~~department of education and 29196
workforce, enter into agreements for the joint or cooperative 29197
construction, acquisition, or improvement of any building, 29198
structure, or facility benefiting the parties thereto, 29199
including, without limitation, schools and classrooms for the 29200
purpose of Chapter 3323. of the Revised Code, and for the 29201
management, operation, occupancy, use, maintenance, or repair 29202
thereof, or for the joint or cooperative participation in 29203
programs, projects, activities, or services in connection with 29204
such buildings, structures, or facilities, including 29205
participation in the Ohio education computer network established 29206
by section 3301.075 of the Revised Code. 29207

(B) Any agreement entered into under authority of this 29208
section shall, where appropriate, provide for: 29209

(1) The method by which the building, structure, or 29210
facility shall be constructed, acquired, or improved and by 29211
which it shall be managed, occupied, maintained, and repaired, 29212
and specifically a designation of one of the boards of education 29213
to take and have exclusive charge of any and all details of 29214
construction, acquisition, or improvement, including any 29215
advertising for bids and the award of any construction or 29216
improvement contract pursuant to the law applicable to such 29217
board of education; 29218

(2) The manner in which the title to the buildings, 29219
structures, or facilities, including the sites and interests in 29220

real estate necessary therefor, is to be held by one or more of
such boards of education; 29221
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(3) The management or administration of any such programs,
projects, activities, services, or joint exercise of powers,
which may include management or administration by one of said
boards of education; 29223
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(4) The manner of apportionment or sharing of all of the
costs, or specified classes of costs, including without
limitation costs of planning, construction, acquisition,
improvement, management, operation, maintenance, or repair of
such buildings, structures, or facilities, or of planning and
conducting such programs or projects, or obtaining such
services, which apportionment or sharing may be based on fixed
amounts, or on ratios or formulas, or affected through tuitions
to be contributed by the parties or in such manner therein
provided. 29227
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(C) Any agreement entered into under authority of this
section may provide for: 29237
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(1) An orderly process for making determinations as to
planning, execution, implementation, and operation, which may
include provisions for a committee, board, or commission, and
for representation thereon; 29239
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(2) Securing necessary personnel, including participation
of teachers and other personnel from the respective school
districts; 29243
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(3) Standards or conditions for the admission or
participation of students and others, including students from
other school districts; 29246
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(4) Conditions for admittance of other school districts to 29249

participation under the agreement;	29250
(5) Fixing or establishing the method of determining	29251
special charges to be made for particular services or materials;	29252
(6) The manner of amending, supplementing, terminating, or	29253
withdrawal or removal of any party from, the agreement, and the	29254
term of the agreement or an indefinite term;	29255
(7) Designation of the applicants for or recipients of any	29256
state, federal, or other aid, assistance, or loans available by	29257
reason of any activities conducted under the agreement;	29258
(8) Designation of one or more of the participating boards	29259
of education to maintain, prepare, and submit, on behalf of all	29260
parties to the agreement, any or all records and reports with	29261
regard to the activities conducted under the agreement,	29262
including without limitation those required under sections	29263
3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and	29264
3323.13 of the Revised Code;	29265
(9) Such other matters as the parties thereto may agree	29266
upon for the purposes of division (A) of this section.	29267
(D) For the purpose of paying or contributing its share	29268
under an agreement made under this section, a board of education	29269
may:	29270
(1) Appropriate any moneys from its general fund, and from	29271
any other funds not otherwise restricted by law, including funds	29272
for permanent improvements of such board of education where the	29273
contribution is to be made toward the cost of permanent	29274
improvements under the agreement;	29275
(2) Issue bonds, and notes in anticipation thereof, under	29276
Chapter 133. and section 3311.20 of the Revised Code for any	29277

permanent improvement, as defined in section 133.01 of the Revised Code, to be provided under such agreement;

(3) Levy taxes, and issue notes in anticipation thereof, under Chapters 3311. and 5705. of the Revised Code pertaining to such board of education, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current operating expenses required as the share of such board of education under such agreement;

(4) Contribute real and personal property for use under such agreement without necessity for competitive bidding on disposition of such property.

(E) Funds provided by the parties to an agreement entered into under this section, whether by appropriation, the levy of taxes, the issuance of bonds or notes, or otherwise, shall be transferred to and placed in a separate fund or funds of such participating board of education as is designated the fiscal agent for such purpose under the agreement, shall be appropriated to and shall be applied for the purposes provided in such agreement, and shall be subject to audit and, pursuant to any determinations to be made as provided under such agreement, shall be deposited, invested, and disbursed under the provisions of law applicable to the board of education in whose custody those funds are held; and the records and reports of such board of education under Chapter 117. of the Revised Code with respect to those funds shall be sufficient without necessity for reports thereon by the other boards of education participating under such agreement.

(F) As used in this section, "construction, acquisition, or improvement of any building, structure, or facility" also includes acquisition of real estate and interests in real estate

therefor, site improvements, and furniture, furnishings, and 29308
equipment therefor. Buildings, structures, or facilities 29309
constructed, acquired, or improved under this section may, 29310
subject to the agreement, be used for any lawful purpose by each 29311
party so long as the use thereof is an authorized proper use for 29312
that party. 29313

(G) Any agreement entered into under this section shall be 29314
subject to any laws hereafter enacted making express reference 29315
therein to this section and requiring the transfer of any 29316
functions exercised or properties held under such agreement to 29317
any public officer, board, or body heretofore or hereafter 29318
established, or requiring the termination of such agreement, or 29319
otherwise affecting the agreement. 29320

(H) The powers granted in this section are supplementary 29321
to, and not in derogation of or restriction upon, all other 29322
powers of boards of education of school districts, and are to be 29323
liberally construed to permit the achievement of the objectives 29324
of this section and to permit the boards of education to take 29325
advantage of federal grant and loan programs, provided that the 29326
exercise of such powers shall be subject to such audit and 29327
regulation as would be applicable if exercised under any other 29328
provision of the Revised Code. 29329

Sec. 3313.941. (A) As used in this section, "state agency" 29330
means every organized body, office, or agency established by the 29331
laws or constitution of this state for the exercise of any 29332
function of state government. 29333

(B) Whenever a school district board of education collects 29334
racial data for the students enrolled in the school district or 29335
whenever the department of education and workforce or any other 29336
state agency collects or requires the collection and reporting 29337

of racial data for students enrolled in any chartered public or 29338
nonpublic school, the data collection shall include a 29339
multiracial category. 29340

For the purpose of reporting student racial data required 29341
by the federal government, if the federal standards for 29342
reporting student racial data do not include a multiracial 29343
category, both of the following apply: 29344

(1) Students identified as multiracial for state or 29345
district purposes also shall be identified by an appropriate 29346
federal category. 29347

(2) The parent, guardian, or custodian of each student 29348
shall have the opportunity to designate the appropriate federal 29349
racial category for the student. 29350

Sec. 3313.97. Notwithstanding division (D) of section 29351
3311.19 and division (D) of section 3311.52 of the Revised Code, 29352
this section does not apply to any joint vocational or 29353
cooperative education school district. 29354

(A) As used in this section: 29355

(1) "Parent" has the same meaning as in section 3313.64 of 29356
the Revised Code. 29357

(2) "Alternative school" means a school building other 29358
than the one to which a student is assigned by the district 29359
superintendent. 29360

(3) "IEP" has the same meaning as in section 3323.01 of 29361
the Revised Code. 29362

(B) The board of education of each city, local, and 29363
exempted village school district shall adopt an open enrollment 29364
policy allowing students entitled to attend school in the 29365

district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade level, school building, and education program;

(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

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.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(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; 29394

(3) A requirement that the student be proficient in the English language; 29395
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(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. 29397
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(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 school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan. 29404
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(2) A district board shall provide transportation to any student described in 20 U.S.C. 6316(b) (1) (F) to the extent required by division ~~(E)~~ (D) of section 3302.04 of the Revised Code, except that no district board shall be required to provide transportation to any such student after the school in which the student was enrolled immediately prior to enrolling in the alternative school makes adequate yearly progress, as defined in section 3302.01 of the Revised Code, for two consecutive school years. 29413
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(E) Each school board shall provide information about the 29422

policy adopted under this section and the application procedures 29423
and deadlines to the parent of each student in the district and 29424
to the general public. 29425

(F) The ~~state board~~ department of education and workforce 29426
shall monitor school districts to ensure compliance with this 29427
section and the districts' policies. 29428

Sec. 3313.974. As used in this section and in sections 29429
3313.975 to 3313.979 of the Revised Code: 29430

(A) "Individualized education program" and "child with a 29431
disability" have the same meanings as in section 3323.01 of the 29432
Revised Code. 29433

(B) "Separately educated student with a disability" means 29434
a child with a disability who has an individualized education 29435
program providing for the student to spend at least half of each 29436
school day in a class or setting separated from nondisabled 29437
students. 29438

(C) "Low-income family" means a family whose income is 29439
below the level which the ~~superintendent of public instruction~~ 29440
department of education and workforce shall establish. 29441

(D) "Parent" has the same meaning as in section 3313.98 of 29442
the Revised Code. 29443

(E) "Registered private school" means a school registered 29444
with the ~~superintendent of public instruction~~ director of 29445
education and workforce pursuant to section 3313.976 of the 29446
Revised Code. 29447

(F) "Alternative school" means a registered private school 29448
located in a school district or a public school located in an 29449
adjacent school district. 29450

(G) "Tutorial assistance" means instructional services 29451
provided to a student outside of regular school hours approved 29452
by the commission on school choice pursuant to section 3313.976 29453
of the Revised Code. 29454

Sec. 3313.975. As used in this section and in sections 29455
3313.976 to 3313.979 of the Revised Code, "the pilot project 29456
school district" or "the district" means any school district 29457
included in the pilot project scholarship program pursuant to 29458
this section. 29459

(A) The ~~superintendent of public instruction~~ director of 29460
education and workforce shall ~~establish a~~ implement the pilot 29461
project scholarship program and shall include in such program 29462
any school districts that are or have ever been under federal 29463
court order requiring supervision and operational management of 29464
the district by the state superintendent or director. The 29465
program shall provide for a number of students residing in any 29466
such district to receive scholarships to attend alternative 29467
schools, and for an equal number of students to receive tutorial 29468
assistance grants while attending public school in any such 29469
district. 29470

(B) The ~~state superintendent~~ director shall establish an 29471
application process and deadline for accepting applications from 29472
students residing in the district to participate in the 29473
scholarship program. In the initial year of the program students 29474
may only use a scholarship to attend school in grades 29475
kindergarten through third. 29476

The ~~state superintendent~~ director shall award as many 29477
scholarships and tutorial assistance grants as can be funded 29478
given the amount appropriated for the program. 29479

(C) (1) The pilot project program shall continue in effect 29480
each year that the general assembly has appropriated sufficient 29481
money to fund scholarships and tutorial assistance grants. In 29482
each year the program continues, new students may receive 29483
scholarships in grades kindergarten to twelve. A student who has 29484
received a scholarship may continue to receive one until the 29485
student has completed grade twelve. 29486

(2) If the general assembly discontinues the scholarship 29487
program, all students who are attending an alternative school 29488
under the pilot project shall be entitled to continued 29489
admittance to that specific school through all grades that are 29490
provided in such school, under the same conditions as when they 29491
were participating in the pilot project. The ~~state~~ 29492
~~superintendent~~ director shall continue to make scholarship 29493
payments in accordance with section 3317.022 of the Revised Code 29494
for students who remain enrolled in an alternative school under 29495
this provision in any year that funds have been appropriated for 29496
this purpose. 29497

If funds are not appropriated, the tuition charged to the 29498
parents of a student who remains enrolled in an alternative 29499
school under this provision shall not be increased beyond the 29500
amount equal to the amount of the scholarship plus any 29501
additional amount charged that student's parent in the most 29502
recent year of attendance as a participant in the pilot project, 29503
except that tuition for all the students enrolled in such school 29504
may be increased by the same percentage. 29505

(D) Notwithstanding sections 124.39 and 3311.83 of the 29506
Revised Code, if the pilot project school district experiences a 29507
decrease in enrollment due to participation in a state-sponsored 29508
scholarship program pursuant to sections 3313.974 to 3313.979 of 29509

the Revised Code, the district board of education may enter into 29510
an agreement with any teacher it employs to provide to that 29511
teacher severance pay or early retirement incentives, or both, 29512
if the teacher agrees to terminate the employment contract with 29513
the district board, provided any collective bargaining agreement 29514
in force pursuant to Chapter 4117. of the Revised Code does not 29515
prohibit such an agreement for termination of a teacher's 29516
employment contract. 29517

Sec. 3313.976. (A) No private school may receive 29518
scholarship payments from parents pursuant to section 3317.022 29519
of the Revised Code until the chief administrator of the private 29520
school registers the school with the ~~superintendent of public~~ 29521
~~instruction~~ director of education and workforce. The ~~state~~ 29522
~~superintendent~~ director shall register any school that meets the 29523
following requirements: 29524

(1) The school does any of the following: 29525

(a) Offers any of grades kindergarten through twelve and 29526
is located within the boundaries of the pilot project school 29527
district; 29528

(b) Offers any of grades kindergarten through twelve and 29529
is located within the boundaries of a city, local, or exempted 29530
village school district that is both: 29531

(i) Located in a municipal corporation with a population 29532
of fifteen thousand or more; 29533

(ii) Located within five miles of the border of the pilot 29534
project school district. 29535

(c) Offers all of grades pre-kindergarten through eight, 29536
but not any of grades nine through twelve, and is located within 29537
the boundaries of a city, local, or exempted village school 29538

district that is: 29539

(i) Located in a municipal corporation with a population 29540
of greater than ten thousand but less than thirteen thousand; 29541

(ii) Located within five miles of the border of the pilot 29542
project school district; 29543

(iii) Located in the same county as the pilot project 29544
school district. 29545

(2) The school indicates in writing its commitment to 29546
follow all requirements for a state-sponsored scholarship 29547
program specified under sections 3313.974 to 3313.979 of the 29548
Revised Code, including, but not limited to, the requirements 29549
for admitting students pursuant to section 3313.977 of the 29550
Revised Code; 29551

(3) The school meets all state minimum standards for 29552
chartered nonpublic schools in effect on July 1, 1992, except 29553
that the ~~state superintendent~~ director at the ~~superintendent's~~ 29554
director's discretion may register nonchartered nonpublic 29555
schools meeting the other requirements of this division; 29556

(4) The school does not discriminate on the basis of race, 29557
religion, or ethnic background; 29558

(5) The school enrolls a minimum of ten students per class 29559
or a sum of at least twenty-five students in all the classes 29560
offered; 29561

(6) The school does not advocate or foster unlawful 29562
behavior or teach hatred of any person or group on the basis of 29563
race, ethnicity, national origin, or religion; 29564

(7) The school does not provide false or misleading 29565
information about the school to parents, students, or the 29566

general public; 29567

(8) For students in grades kindergarten through eight with 29568
family incomes at or below two hundred per cent of the federal 29569
poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the 29570
Revised Code, the school agrees not to charge any tuition in 29571
excess of the scholarship amount established pursuant to 29572
division (A) (11) (a) of section 3317.022 of the Revised Code, 29573
excluding any increase described in that division. 29574

(9) For students in grades kindergarten through eight with 29575
family incomes above two hundred per cent of the federal poverty 29576
guidelines, whose scholarship amounts are less than the actual 29577
tuition charge of the school, the school agrees not to charge 29578
any tuition in excess of the difference between the actual 29579
tuition charge of the school and the scholarship amount 29580
established pursuant to division (A) (11) (a) of section 3317.022 29581
of the Revised Code, excluding any increase described in that 29582
division. The school shall permit such tuition, at the 29583
discretion of the parent, to be satisfied by the family's 29584
provision of in-kind contributions or services. 29585

(10) The school agrees not to charge any tuition to 29586
families of students in grades nine through twelve receiving a 29587
scholarship in excess of the actual tuition charge of the school 29588
less the scholarship amount established pursuant to division (A) 29589
(11) (a) of section 3317.022 of the Revised Code, excluding any 29590
increase described in that division. 29591

(11) It annually administers the applicable assessments 29592
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 29593
Revised Code to each scholarship student enrolled in the school 29594
in accordance with section 3301.0711 or 3301.0712 of the Revised 29595
Code and reports to the department of education the results of 29596

each such assessment administered to each scholarship student, 29597
unless one of the following applies to the student: 29598

(a) The student is excused from taking that assessment 29599
under federal law, the student's individualized education 29600
program, or division (C) (1) (c) (i) of section 3301.0711 of the 29601
Revised Code. 29602

(b) The student is enrolled in a chartered nonpublic 29603
school that meets the conditions specified in division (K) (2) or 29604
(L) (4) of section 3301.0711 of the Revised Code. 29605

(c) The student is enrolled in any of grades three to 29606
eight and takes an alternative standardized assessment under 29607
division (K) (1) of section 3301.0711 of the Revised Code. 29608

(d) The student is excused from taking the assessment 29609
prescribed under division (B) (1) of section 3301.0712 of the 29610
Revised Code pursuant to division (C) (1) (c) (ii) of section 29611
3301.0711 of the Revised Code. 29612

(B) The ~~state superintendent~~ director shall revoke the 29613
registration of any school if, after a hearing, the 29614
~~superintendent~~ director determines that the school is in 29615
violation of any of the provisions of division (A) of this 29616
section. 29617

(C) Any public school located in a school district 29618
adjacent to the pilot project school district may receive 29619
scholarship payments on behalf of parents pursuant to section 29620
3317.022 of the Revised Code if the superintendent of the 29621
district in which such public school is located notifies the 29622
~~state superintendent~~ director prior to the first day of March 29623
that the district intends to admit students from the pilot 29624
project school district for the ensuing school year pursuant to 29625

section 3327.06 of the Revised Code. 29626

(D) Any parent wishing to purchase tutorial assistance 29627
from any person or governmental entity pursuant to the pilot 29628
project program under sections 3313.974 to 3313.979 of the 29629
Revised Code shall apply to the ~~state superintendent~~ director. 29630
The ~~state superintendent~~ director shall approve providers who 29631
appear to possess the capability of furnishing the instructional 29632
services they are offering to provide. 29633

Sec. 3313.978. (A) Annually by the first day of November, 29634
the ~~superintendent of public instruction~~ director of education 29635
and workforce shall notify the pilot project school district of 29636
the number of initial scholarships that the ~~state superintendent~~ 29637
director will be awarding in each of grades kindergarten through 29638
twelve. 29639

The ~~state superintendent~~ director shall provide 29640
information about the scholarship program to all students 29641
residing in the district and shall accept applications from any 29642
such students during the application period established under 29643
division (H) of this section. 29644

(1) A student receiving a pilot project scholarship may 29645
utilize it at an alternative public school by notifying the 29646
district superintendent, of the name of the public school in an 29647
adjacent school district to which the student has been accepted 29648
pursuant to section 3327.06 of the Revised Code. 29649

(2) A student may decide to utilize a pilot project 29650
scholarship at a registered private school in the district if 29651
all of the following conditions are met: 29652

(a) The parent makes an application on behalf of the 29653
student to a registered private school. 29654

(b) The registered private school notifies the parent and the ~~state superintendent~~ director as follows that the student has been admitted:

(i) By the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) By the school pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The ~~state superintendent~~ director of education and workforce shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the ~~state superintendent~~ director by the first day of the school year in which the assistance will be used. The ~~state superintendent~~ director shall award assistance grants in accordance with criteria the ~~superintendent~~ director shall establish.

(C) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual

charges for such assistance or: 29684

(1) Before fiscal year 2007, a percentage established by 29685
the ~~state superintendent~~director, not to exceed twenty per cent, 29686
of the amount of the pilot project school district's average 29687
basic scholarship amount; 29688

(2) In fiscal year 2007 and thereafter, four hundred 29689
dollars. 29690

(D) (1) Annually by the first day of November, the ~~state~~ 29691
~~superintendent~~director shall estimate the maximum per-pupil 29692
scholarship amounts for the ensuing school year. The ~~state~~ 29693
~~superintendent~~director shall make this estimate available to 29694
the general public at the offices of the district board of 29695
education together with the forms required by division (D) (2) of 29696
this section. 29697

(2) Annually by the fifteenth day of January, the chief 29698
administrator of each registered private school located in the 29699
pilot project district and the principal of each public school 29700
in such district shall complete a parental information form and 29701
forward it to the president of the board of education. The 29702
parental information form shall be prescribed by the department 29703
of education and workforce and shall provide information about 29704
the grade levels offered, the numbers of students, tuition 29705
amounts, achievement test results, and any sectarian or other 29706
organizational affiliations. 29707

(E) (1) Only for the purpose of administering the pilot 29708
project scholarship program, the department may request from any 29709
of the following entities the data verification code assigned 29710
under division (D) (2) of section 3301.0714 of the Revised Code 29711
to any student who is seeking a scholarship under the program: 29712

(a) The school district in which the student is entitled 29713
to attend school under section 3313.64 or 3313.65 of the Revised 29714
Code; 29715

(b) If applicable, the community school in which the 29716
student is enrolled; 29717

(c) The independent contractor engaged to create and 29718
maintain data verification codes. 29719

(2) Upon a request by the department under division (E) (1) 29720
of this section for the data verification code of a student 29721
seeking a scholarship or a request by the student's parent for 29722
that code, the school district or community school shall submit 29723
that code to the department or parent in the manner specified by 29724
the department. If the student has not been assigned a code, 29725
because the student will be entering kindergarten during the 29726
school year for which the scholarship is sought, the district 29727
shall assign a code to that student and submit the code to the 29728
department or parent by a date specified by the department. If 29729
the district does not assign a code to the student by the 29730
specified date, the department shall assign a code to the 29731
student. 29732

The department annually shall submit to each school 29733
district the name and data verification code of each student 29734
residing in the district who is entering kindergarten, who has 29735
been awarded a scholarship under the program, and for whom the 29736
department has assigned a code under this division. 29737

(3) The department shall not release any data verification 29738
code that it receives under division (E) of this section to any 29739
person except as provided by law. 29740

(F) Any document relative to the pilot project scholarship 29741

program that the department holds in its files that contains 29742
both a student's name or other personally identifiable 29743
information and the student's data verification code shall not 29744
be a public record under section 149.43 of the Revised Code. 29745

(G) (1) The department annually shall compile the scores 29746
attained by scholarship students enrolled in registered private 29747
schools on the assessments administered to the students pursuant 29748
to division (A) (11) of section 3313.976 of the Revised Code. The 29749
scores shall be aggregated as follows: 29750

(a) By school district, which shall include all 29751
scholarship students residing in the pilot project school 29752
district who are enrolled in a registered private school and 29753
were required to take an assessment pursuant to division (A) (11) 29754
of section 3313.976 of the Revised Code; 29755

(b) By registered private school, which shall include all 29756
scholarship students enrolled in that school who were required 29757
to take an assessment pursuant to division (A) (11) of section 29758
3313.976 of the Revised Code. 29759

(2) The department shall disaggregate the student 29760
performance data described in division (G) (1) of this section 29761
according to the following categories: 29762

(a) Grade level; 29763

(b) Race and ethnicity; 29764

(c) Gender; 29765

(d) Students who have participated in the scholarship 29766
program for three or more years; 29767

(e) Students who have participated in the scholarship 29768
program for more than one year and less than three years; 29769

(f) Students who have participated in the scholarship program for one year or less; 29770
29771

(g) Economically disadvantaged students. 29772

(3) The department shall post the student performance data required under divisions (G) (1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students. 29773
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(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A) (11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status. 29783
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(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education and workforce a completed application, the department ~~of education~~ shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the 29793
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applicant is eligible. The department ~~of education~~ shall award a 29800
scholarship to each student with an approved application. 29801
However, for any application submitted after the beginning of 29802
the school year, the department ~~of education~~ shall prorate the 29803
amount of the awarded scholarship based on how much of the 29804
school year remains. 29805

Sec. 3313.979. Each grant to be used for payments to an 29806
approved tutorial assistance provider is payable to the approved 29807
tutorial assistance provider. 29808

(A) By the fifteenth day of each month of the school year 29809
that any scholarship students are enrolled in a registered 29810
private school, the chief administrator of that school shall 29811
notify the ~~state superintendent~~ director of education and 29812
workforce of: 29813

(1) The number of scholarship students who were reported 29814
to the school district as having been admitted by that private 29815
school pursuant to division (A) (2) (b) of section 3313.978 of the 29816
Revised Code and who were still enrolled in the private school 29817
as of the first day of such month; 29818

(2) The number of scholarship students who were reported 29819
to the school district as having been admitted by another 29820
private school pursuant to division (A) (2) (b) of section 29821
3313.978 of the Revised Code and since the date of admission 29822
have transferred to the school providing the notification under 29823
division (A) of this section. 29824

(B) Whenever an approved provider provides tutorial 29825
assistance to a student, the ~~state superintendent~~ director shall 29826
pay the approved provider for such costs upon receipt of a 29827
statement specifying the services provided and the costs of the 29828

services, which statement shall be signed by the provider and 29829
verified by the chief administrator having supervisory control 29830
over the tutoring site. The total payments to any approved 29831
provider under this division for all provider services to any 29832
individual student in any school year shall not exceed the grant 29833
amount provided in division (C) of section 3313.978 of the 29834
Revised Code. 29835

Sec. 3313.98. Notwithstanding division (D) of section 29836
3311.19 and division (D) of section 3311.52 of the Revised Code, 29837
the provisions of this section and sections 3313.981 to 3313.983 29838
of the Revised Code that apply to a city school district do not 29839
apply to a joint vocational or cooperative education school 29840
district unless expressly specified. 29841

(A) As used in this section and sections 3313.981 to 29842
3313.983 of the Revised Code: 29843

(1) "Parent" means either of the natural or adoptive 29844
parents of a student, except under the following conditions: 29845

(a) When the marriage of the natural or adoptive parents 29846
of the student has been terminated by a divorce, dissolution of 29847
marriage, or annulment or the natural or adoptive parents of the 29848
student are living separate and apart under a legal separation 29849
decree and the court has issued an order allocating the parental 29850
rights and responsibilities with respect to the student, 29851
"parent" means the residential parent as designated by the court 29852
except that "parent" means either parent when the court issues a 29853
shared parenting decree. 29854

(b) When a court has granted temporary or permanent 29855
custody of the student to an individual or agency other than 29856
either of the natural or adoptive parents of the student, 29857

"parent" means the legal custodian of the child. 29858

(c) When a court has appointed a guardian for the student, 29859
"parent" means the guardian of the student. 29860

(2) "Native student" means a student entitled under 29861
section 3313.64 or 3313.65 of the Revised Code to attend school 29862
in a district adopting a resolution under this section. 29863

(3) "Adjacent district" means a city, exempted village, or 29864
local school district having territory that abuts the territory 29865
of a district adopting a resolution under this section. 29866

(4) "Adjacent district student" means a student entitled 29867
under section 3313.64 or 3313.65 of the Revised Code to attend 29868
school in an adjacent district. 29869

(5) "Adjacent district joint vocational student" means an 29870
adjacent district student who enrolls in a city, exempted 29871
village, or local school district pursuant to this section and 29872
who also enrolls in a joint vocational school district that does 29873
not contain the territory of the district for which that student 29874
is a native student and does contain the territory of the city, 29875
exempted village, or local district in which the student 29876
enrolls. 29877

(6) "Poverty line" means the poverty line established by 29878
the director of the United States office of management and 29879
budget as revised by the secretary of health and human services 29880
in accordance with section 673(2) of the "Community Services 29881
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 29882

(7) "IEP" has the same meaning as in section 3323.01 of 29883
the Revised Code. 29884

(8) "Other district" means a city, exempted village, or 29885

local school district having territory outside of the territory 29886
of a district adopting a resolution under this section. 29887

(9) "Other district student" means a student entitled 29888
under section 3313.64 or 3313.65 of the Revised Code to attend 29889
school in an other district. 29890

(10) "Other district joint vocational student" means a 29891
student who is enrolled in any city, exempted village, or local 29892
school district and who also enrolls in a joint vocational 29893
school district that does not contain the territory of the 29894
district for which that student is a native student in 29895
accordance with a policy adopted under section 3313.983 of the 29896
Revised Code. 29897

(B) (1) The board of education of each city, local, and 29898
exempted village school district shall adopt a resolution 29899
establishing for the school district one of the following 29900
policies: 29901

(a) A policy that entirely prohibits the enrollment of 29902
students from adjacent districts or other districts, other than 29903
students for whom tuition is paid in accordance with section 29904
3317.08 of the Revised Code; 29905

(b) A policy that permits enrollment of students from all 29906
adjacent districts in accordance with policy statements 29907
contained in the resolution; 29908

(c) A policy that permits enrollment of students from all 29909
other districts in accordance with policy statements contained 29910
in the resolution. 29911

(2) A policy permitting enrollment of students from 29912
adjacent or from other districts, as applicable, shall provide 29913
for all of the following: 29914

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(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:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(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;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has

been subject to disciplinary proceedings, except that if an 29943
applicant has been suspended or expelled by the student's 29944
district for ten consecutive days or more in the term for which 29945
admission is sought or in the term immediately preceding the 29946
term for which admission is sought, the procedures may include a 29947
provision denying admission of such applicant. 29948

(D) (1) Each school board permitting only enrollment of 29949
adjacent district students shall provide information about the 29950
policy adopted under this section, including the application 29951
procedures and deadlines, to the superintendent and the board of 29952
education of each adjacent district and, upon request, to the 29953
parent of any adjacent district student. 29954

(2) Each school board permitting enrollment of other 29955
district students shall provide information about the policy 29956
adopted under this section, including the application procedures 29957
and deadlines, upon request, to the board of education of any 29958
other school district or to the parent of any student anywhere 29959
in the state. 29960

(E) Any school board shall accept all credits toward 29961
graduation earned in adjacent or other district schools by an 29962
adjacent or other district student or a native student. 29963

(F) (1) No board of education may adopt a policy 29964
discouraging or prohibiting its native students from applying to 29965
enroll in the schools of an adjacent or any other district that 29966
has adopted a policy permitting such enrollment, except that: 29967

(a) A district may object to the enrollment of a native 29968
student in an adjacent or other district in order to maintain an 29969
appropriate racial balance. 29970

(b) The board of education of a district receiving funds 29971

under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 29972
may adopt a resolution objecting to the enrollment of its native 29973
students in adjacent or other districts if at least ten per cent 29974
of its students are included in the determination of the United 29975
States secretary of education made under section 20 U.S.C.A. 29976
238(a). 29977

(2) If a board objects to enrollment of native students 29978
under this division, any adjacent or other district shall refuse 29979
to enroll such native students unless tuition is paid for the 29980
students in accordance with section 3317.08 of the Revised Code. 29981
An adjacent or other district enrolling such students may not 29982
receive funding for those students in accordance with section 29983
3313.981 of the Revised Code. 29984

(G) The ~~state board~~ department of education and workforce 29985
shall monitor school districts to ensure compliance with this 29986
section and the districts' policies. The ~~board~~ department may 29987
adopt rules requiring uniform application procedures, deadlines 29988
for application, notification procedures, and record-keeping 29989
requirements for all school boards that adopt policies 29990
permitting the enrollment of adjacent or other district 29991
students, as applicable. If the ~~state board~~ department adopts 29992
such rules, no school board shall adopt a policy that conflicts 29993
with those rules. 29994

(H) A resolution adopted by a board of education under 29995
this section that entirely prohibits the enrollment of students 29996
from adjacent and from other school districts does not abrogate 29997
any agreement entered into under section 3313.841 or 3313.92 of 29998
the Revised Code or any contract entered into under section 29999
3313.90 of the Revised Code between the board of education 30000
adopting the resolution and the board of education of any 30001

adjacent or other district or prohibit these boards of education 30002
from entering into any such agreement or contract. 30003

(I) Nothing in this section shall be construed to permit 30004
or require the board of education of a city, exempted village, 30005
or local school district to exclude any native student of the 30006
district from enrolling in the district. 30007

Sec. 3313.981. (A) The ~~state board~~ department of education 30008
and workforce shall adopt rules requiring all of the following: 30009

(1) The board of education of each city, exempted village, 30010
and local school district to annually report to the department 30011
~~of education~~ all of the following: 30012

(a) The number of adjacent district or other district 30013
students in grades kindergarten through twelve, as applicable, 30014
the number of adjacent district or other district students who 30015
are preschool children with disabilities, as applicable, and the 30016
number of adjacent district or other district joint vocational 30017
students, as applicable, enrolled in the district, in accordance 30018
with a policy adopted under division (B) of section 3313.98 of 30019
the Revised Code; 30020

(b) The number of native students in grades kindergarten 30021
through twelve enrolled in adjacent or other districts and the 30022
number of native students who are preschool children with 30023
disabilities enrolled in adjacent or other districts, in 30024
accordance with a policy adopted under division (B) of section 30025
3313.98 of the Revised Code; 30026

(c) Each adjacent district or other district student's or 30027
adjacent district or other district joint vocational student's 30028
date of enrollment in the district; 30029

(d) The full-time equivalent number of adjacent district 30030

or other district students enrolled in each of the categories of 30031
career-technical education programs or classes described in 30032
section 3317.014 of the Revised Code; 30033

(e) Each native student's date of enrollment in an 30034
adjacent or other district. 30035

(2) The board of education of each joint vocational school 30036
district to annually report to the department all of the 30037
following: 30038

(a) The number of adjacent district or other district 30039
joint vocational students, as applicable, enrolled in the 30040
district; 30041

(b) The full-time equivalent number of adjacent district 30042
or other district joint vocational students enrolled in each 30043
category of career-technical education programs or classes 30044
described in section 3317.014 of the Revised Code; 30045

(c) For each adjacent district or other district joint 30046
vocational student, the city, exempted village, or local school 30047
district in which the student is also enrolled. 30048

(3) Prior to the end of each reporting period specified in 30049
section 3317.03 of the Revised Code, the superintendent of each 30050
city, local, or exempted village school district that admits 30051
adjacent district or other district students who are in grades 30052
kindergarten through twelve, adjacent district or other district 30053
students who are preschool children with disabilities, or 30054
adjacent district or other district joint vocational students in 30055
accordance with a policy adopted under division (B) of section 30056
3313.98 of the Revised Code to report to the department ~~of~~ 30057
~~education~~ each adjacent or other district's students and where 30058
those students who are enrolled in the superintendent's district 30059

under the policy are entitled to attend school under section 30060
3313.64 or 3313.65 of the Revised Code. 30061

The rules shall provide for the method of counting 30062
students who are enrolled for part of a school year in an 30063
adjacent or other district or as an adjacent district or other 30064
district joint vocational student. 30065

(B) From the payments made to a city, exempted village, or 30066
local school district under Chapter 3317. of the Revised Code 30067
and, if necessary, from the payments made to the district under 30068
sections 321.24 and 323.156 of the Revised Code, the department 30069
~~of education~~ shall annually subtract, for each native student 30070
who is a preschool child with a disability reported under 30071
division (A) (1) of this section who is enrolled in an adjacent 30072
or other district pursuant to policies adopted by such a 30073
district under division (B) of section 3313.98 of the Revised 30074
Code, \$4,000. 30075

(C) To the payments made to a city, exempted village, or 30076
local school district under Chapter 3317. of the Revised Code, 30077
the department ~~of education~~ shall annually add, for each 30078
adjacent district or other district student who is a preschool 30079
child with a disability reported under division (A) (1) of this 30080
section who is enrolled in the district, \$4,000. 30081

(D) No city, exempted village, or local school district 30082
shall receive a payment under division (C) of this section for a 30083
student if for the same school year that student is counted in 30084
the district's enrollment certified under section 3317.03 of the 30085
Revised Code. 30086

(E) Upon request of a parent, and provided the board 30087
offers transportation to native students of the same grade level 30088

and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the ~~state board of education~~ department, such board may reimburse the parent from funds received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3313.982. Notwithstanding division (C) (1) of section 3313.97 and division (C) (1) of section 3313.98 of the Revised Code:

(A) Any school district board operating any schools on October 1, 1989, admission to which was restricted to students possessing certain academic, athletic, artistic, or other skills, may continue to restrict admission to such schools.

(B) Any district board that did not operate any schools described by division (A) of this section on October 1, 1989, and that desires to begin restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the ~~state board~~ department of education. If the ~~board~~ department finds that the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students, it may approve the

plan and the district board may implement it during the next 30119
ensuing school year. 30120

Sec. 3314.011. (A) Every community school established 30121
under this chapter shall have a designated fiscal officer. 30122
Except as provided for in division (C) of this section, the 30123
fiscal officer shall be employed by or engaged under a contract 30124
with the governing authority of the community school. 30125

(B) Except as otherwise provided in section 3.061 of the 30126
Revised Code, the auditor of state shall require that the fiscal 30127
officer of any community school, before entering upon duties as 30128
fiscal officer of the school, execute a bond in an amount and 30129
with surety to be approved by the governing authority of the 30130
school, payable to the state, conditioned for the faithful 30131
performance of all the official duties required of the fiscal 30132
officer. The bond shall be deposited with the governing 30133
authority of the school, and a copy thereof, certified by the 30134
governing authority, shall be filed with the county auditor. 30135

(C) Prior to assuming the duties of fiscal officer, the 30136
fiscal officer designated under this section shall be licensed 30137
under section 3301.074 of the Revised Code. Any person serving 30138
as a fiscal officer of a community school on March 22, 2013, who 30139
is not licensed as a treasurer shall be permitted to serve as a 30140
fiscal officer for not more than one year following March 22, 30141
2013. Beginning on that date and thereafter, no community school 30142
shall permit any individual to serve as a fiscal officer without 30143
a license as required by this section. 30144

(D) (1) The governing authority of a community school may 30145
adopt a resolution waiving the requirement that the governing 30146
authority is the party responsible to employ or contract with 30147
the designated fiscal officer, as prescribed by division (A) of 30148

this section, so long as the school's sponsor also approves the 30149
resolution. The resolution shall be valid for one year. A new 30150
resolution shall be adopted for each year that the governing 30151
authority wishes to waive this requirement, so long as the 30152
school's sponsor also approves the resolution. 30153

No resolution adopted pursuant to this division may waive 30154
the requirement for a community school to have a designated 30155
fiscal officer. 30156

(2) If the governing authority adopts a resolution 30157
pursuant to division (D)(1) of this section, the school's 30158
designated fiscal officer annually shall meet with the governing 30159
authority to review the school's financial status. 30160

(3) The governing authority shall submit to the department 30161
of education and workforce a copy of each resolution adopted 30162
pursuant to division (D)(1) of this section. 30163

Sec. 3314.012. (A) ~~Within ninety days of September 28,~~ 30164
~~1999, the superintendent of public instruction~~ The director of 30165
education and workforce shall appoint representatives of the 30166
department of education and workforce, including employees who 30167
work with the education management information system, to a 30168
committee to develop report card models for community schools. 30169
The committee shall design model report cards appropriate for 30170
the various types of community schools approved to operate in 30171
the state. Sufficient models shall be developed to reflect the 30172
variety of grade levels served and the missions of the state's 30173
community schools. All models shall include both financial and 30174
academic data. ~~The initial models shall be developed by March~~ 30175
~~31, 2000.~~ 30176

(B) Except as provided in section 3314.017 of the Revised 30177

Code, the department of education and workforce shall issue an 30178
annual report card for each community school, regardless of how 30179
long the school has been in operation. The report card shall 30180
report the academic and financial performance of the school 30181
utilizing one of the models developed under division (A) of this 30182
section. The report card shall include all information 30183
applicable to school buildings under section 3302.03 of the 30184
Revised Code. The ratings a community school receives under 30185
section 3302.03 of the Revised Code for its first two full 30186
school years shall not be considered toward automatic closure of 30187
the school under section 3314.35 of the Revised Code or any 30188
other matter that is based on report card ratings. 30189

(C) Upon receipt of a copy of a contract between a sponsor 30190
and a community school entered into under this chapter, the 30191
~~department of education~~ shall notify the community school of the 30192
specific model report card that will be used for that school. 30193

(D) Report cards shall be distributed to the parents of 30194
all students in the community school, to the members of the 30195
board of education of the school district in which the community 30196
school is located, and to any person who requests one from the 30197
department. 30198

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 30199
computer-based community school shall operate unless the school 30200
was open for instruction as of May 1, 2005. No entity described 30201
in division (C) (1) of section 3314.02 of the Revised Code shall 30202
enter into a contract to sponsor an internet- or computer-based 30203
community school, including a conversion school, between May 1, 30204
2005, and May 22, 2013, except as follows: 30205

(1) The entity may renew a contract that the entity 30206
entered into with an internet- or computer-based community 30207

school prior to May 1, 2005, if the school was open for 30208
operation as of that date. 30209

(2) The entity may assume sponsorship of an existing 30210
internet- or computer-based community school that was formerly 30211
sponsored by another entity and may enter into a contract with 30212
that community school in accordance with section 3314.03 of the 30213
Revised Code. 30214

If a sponsor entered into a contract with an internet- or 30215
computer-based community school, including a conversion school, 30216
but the school was not open for operation as of May 1, 2005, the 30217
contract shall be void and the entity shall not enter into 30218
another contract with the school until May 22, 2013. 30219

(B) (1) Beginning on July 1, 2013, up to five new internet- 30220
or computer-based community schools may open each year, subject 30221
to approval of the ~~superintendent of public instruction~~ director 30222
of education and workforce under division (B) (2) of this 30223
section. 30224

(2) The ~~superintendent of public instruction~~ director 30225
shall approve applications for new internet- or computer-based 30226
community schools from only those applicants demonstrating 30227
experience and quality. 30228

The ~~state board~~ department of education and workforce 30229
shall adopt rules prescribing measures to determine experience 30230
and quality of applicants in accordance with Chapter 119. of the 30231
Revised Code. The measures shall include, but not be limited to, 30232
the following considerations: 30233

(a) The sponsor's experience with online schools; 30234

(b) The operator's experience with online schools; 30235

(c) The sponsor's and operator's previous record for student performance; 30236
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(d) A preference for operators with previous experience in Ohio. 30238
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~~The state board shall adopt the rules so that they are effective May 22, 2013.~~ 30240
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(3) The department ~~of education~~ shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the ~~superintendent~~ director has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013. 30242
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(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. 30257
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(C) Nothing in division (A) or (B) of this section 30264

prohibits an internet- or computer-based community school from 30265
increasing the number of grade levels it offers. 30266

Sec. 3314.015. (A) The department of education and 30267
workforce shall be responsible for the oversight of any and all 30268
sponsors of the community schools established under this chapter 30269
and shall provide technical assistance to schools and sponsors 30270
in their compliance with applicable laws and the terms of the 30271
contracts entered into under section 3314.03 of the Revised Code 30272
and in the development and start-up activities of those schools. 30273
In carrying out its duties under this section, the department 30274
shall do all of the following: 30275

(1) In providing technical assistance to proposing 30276
parties, governing authorities, and sponsors, conduct training 30277
sessions and distribute informational materials; 30278

(2) Approve entities to be sponsors of community schools; 30279

(3) Monitor and evaluate, as required under section 30280
3314.016 of the Revised Code, the effectiveness of any and all 30281
sponsors in their oversight of the schools with which they have 30282
contracted; 30283

(4) By December thirty-first of each year, issue a report 30284
to the governor, the speaker of the house of representatives, 30285
the president of the senate, and the chairpersons of the house 30286
and senate committees principally responsible for education 30287
matters regarding the effectiveness of academic programs, 30288
operations, and legal compliance and of the financial condition 30289
of all community schools established under this chapter and on 30290
the performance of community school sponsors; 30291

(5) From time to time, make legislative recommendations to 30292
the general assembly designed to enhance the operation and 30293

performance of community schools. 30294

(B) (1) Except as provided in sections 3314.021 and 30295
3314.027 of the Revised Code, no entity shall enter into a 30296
preliminary agreement under division (C) (2) of section 3314.02 30297
of the Revised Code or renew an existing contract to sponsor a 30298
community school until it has received approval from the 30299
department ~~of education~~ to sponsor community schools under this 30300
chapter and has entered into a written agreement with the 30301
department regarding the manner in which the entity will conduct 30302
such sponsorship. 30303

On and after July 1, 2017, each entity that sponsors a 30304
community school in this state, except for an entity described 30305
in sections 3314.021 and 3314.027 of the Revised Code, shall 30306
attain approval from the department in order to continue 30307
sponsoring schools regardless of whether that entity intends to 30308
enter into a preliminary agreement or renew an existing 30309
contract. 30310

All new and renewed agreements between the department and 30311
a sponsor shall contain specific language addressing the 30312
parameters under which the department can intervene and 30313
potentially revoke sponsorship authority in the event that the 30314
sponsor is unwilling or unable to fulfill its obligations. 30315
Additionally, each agreement shall set forth any territorial 30316
restrictions and limits on the number of schools that entity may 30317
sponsor, provide for an annual evaluation process, and include a 30318
stipulation permitting the department to modify the agreement 30319
under the following circumstances: 30320

(a) Poor fiscal management; 30321

(b) Lack of academic progress. 30322

(2) The initial term of a sponsor's agreement with the department shall be for up to five years. 30323
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(a) An agreement entered into with the department pursuant to this section may be renewed for a term of up to ten years using the following criteria: 30325
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(i) The academic performance of students enrolled in each community school the entity sponsors, as determined by the department pursuant to division (B) (1) (a) of section 3314.016 of the Revised Code; 30328
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(ii) The sponsor's adherence to quality practices, as determined by the department pursuant to division (B) (1) (b) of section 3314.016 of the Revised Code; 30332
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(iii) The sponsor's compliance with all applicable laws and administrative rules. 30335
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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." 30337
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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 30344
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agreements with sponsors. The rules shall require an entity to 30352
submit evidence of the entity's ability and willingness to 30353
comply with the provisions of division (D) of section 3314.03 of 30354
the Revised Code. The rules also shall require all entities 30355
approved as sponsors to demonstrate a record of financial 30356
responsibility and successful implementation of educational 30357
programs. If an entity seeking approval to sponsor community 30358
schools in this state sponsors or operates schools in another 30359
state, at least one of the schools sponsored or operated by the 30360
entity must be comparable to or better than the performance of 30361
Ohio schools in need of continuous improvement under section 30362
3302.03 of the Revised Code, as determined by the department. 30363

Subject to section 3314.016 of the Revised Code, an entity 30364
that sponsors community schools may enter into preliminary 30365
agreements and sponsor up to one hundred schools, provided each 30366
school and the contract for sponsorship meets the requirements 30367
of this chapter. 30368

(3) The ~~state board of education~~ department shall 30369
determine, pursuant to criteria specified in rules adopted in 30370
accordance with Chapter 119. of the Revised Code, whether the 30371
mission proposed to be specified in the contract of a community 30372
school to be sponsored by a state university board of trustees 30373
or the board's designee under division (C)(1)(e) of section 30374
3314.02 of the Revised Code complies with the requirements of 30375
that division. Such determination of the ~~state board~~ department 30376
is final. 30377

(4) The ~~state board of education~~ department shall 30378
determine, pursuant to criteria specified in rules adopted in 30379
accordance with Chapter 119. of the Revised Code, if any tax- 30380
exempt entity under section 501(c)(3) of the Internal Revenue 30381

Code that is proposed to be a sponsor of a community school is 30382
an education-oriented entity for purpose of satisfying the 30383
condition prescribed in division (C) (1) (f) (iii) of section 30384
3314.02 of the Revised Code. Such determination of the ~~state-~~ 30385
~~board department~~ is final. 30386

(C) If at any time the ~~state board of education department~~ 30387
finds that a sponsor is not in compliance or is no longer 30388
willing to comply with its contract with any community school or 30389
with the department's rules for sponsorship, the ~~state board or-~~ 30390
~~designee department~~ shall conduct a hearing in accordance with 30391
Chapter 119. of the Revised Code on that matter. If after the 30392
hearing, the ~~state board or designee department~~ has confirmed 30393
the original finding, ~~the department of education it~~ may revoke 30394
the sponsor's approval to sponsor community schools. In that 30395
case, the department's office of Ohio school sponsorship, 30396
established under section 3314.029 of the Revised Code, may 30397
assume the sponsorship of any schools with which the sponsor has 30398
contracted until the earlier of the expiration of two school 30399
years or until a new sponsor as described in division (C) (1) of 30400
section 3314.02 of the Revised Code is secured by the school's 30401
governing authority. The office of Ohio school sponsorship may 30402
extend the term of the contract in the case of a school for 30403
which it has assumed sponsorship under this division as 30404
necessary to accommodate the term of the department's 30405
authorization to sponsor the school specified in this division. 30406
Community schools sponsored under this division shall not apply 30407
to the limit on directly authorized community schools under 30408
division (A) (3) of section 3314.029 of the Revised Code. 30409
However, nothing in this division shall preclude a community 30410
school affected by this division from applying for sponsorship 30411
under that section. 30412

(D) The decision of the department to disapprove an entity 30413
for sponsorship of a community school or to revoke approval for 30414
such sponsorship under division (C) of this section, may be 30415
appealed by the entity in accordance with section 119.12 of the 30416
Revised Code. 30417

(E) The department shall adopt procedures for use by a 30418
community school governing authority and sponsor when the school 30419
permanently closes and ceases operation, which shall include at 30420
least procedures for data reporting to the department, handling 30421
of student records, distribution of assets in accordance with 30422
section 3314.074 of the Revised Code, and other matters related 30423
to ceasing operation of the school. 30424

(F) (1) In lieu of revoking a sponsor's authority to 30425
sponsor community schools under division (C) of this section, if 30426
the department finds that a sponsor is not in compliance with 30427
applicable laws and administrative rules, the department shall 30428
declare in a written notice to the sponsor the specific laws or 30429
rules, or both, for which the sponsor is noncompliant. A sponsor 30430
notified under division (F) (1) of this section shall respond to 30431
the department not later than fourteen days after the 30432
notification with a proposed plan to remedy the conditions for 30433
which the sponsor was found to be noncompliant. The department 30434
shall approve or disapprove the plan not later than fourteen 30435
days after receiving it. If the plan is disapproved, the sponsor 30436
may submit a revised plan to the department not later than 30437
fourteen days after receiving notification of disapproval from 30438
the department or not later than sixty days after the date the 30439
sponsor received notification of noncompliance from the 30440
department, whichever is earlier. The department shall approve 30441
or disapprove the revised plan not later than fourteen days 30442
after receiving it or not later than sixty days after the date 30443

the sponsor received notification of noncompliance from the 30444
department, whichever is earlier. A sponsor may continue to make 30445
revisions by the deadlines prescribed in division (F) (1) of this 30446
section to any revised plan that is disapproved by the 30447
department until the sixtieth day after the date the sponsor 30448
received notification of noncompliance from the department. 30449

If a plan or a revised plan is approved, the sponsor shall 30450
implement it not later than sixty days after the date the 30451
sponsor received notification of noncompliance from the 30452
department or not later than thirty days after the plan is 30453
approved, whichever is later. If a sponsor does not respond to 30454
the department or implement an approved compliance plan by the 30455
deadlines prescribed by division (F) (1) of this section, or if a 30456
sponsor does not receive approval of a compliance plan on or 30457
before the sixtieth day after the date the sponsor received 30458
notification of noncompliance from the department, the 30459
department shall declare in written notice to the sponsor that 30460
the sponsor is in probationary status, and may limit the 30461
sponsor's ability to sponsor additional schools. 30462

(2) A sponsor that has been placed on probationary status 30463
under division (F) (1) of this section may apply to the 30464
department for its probationary status to be lifted. The 30465
application for a sponsor's probationary status to be lifted 30466
shall include evidence, occurring after the initial notification 30467
of noncompliance, of the sponsor's compliance with applicable 30468
laws and administrative rules. Not later than fourteen days 30469
after receiving an application from the sponsor, the department 30470
shall decide whether or not to remove the sponsor's probationary 30471
status. 30472

(G) In carrying out its duties under this chapter, the 30473

department shall not impose requirements on community schools or 30474
their sponsors that are not permitted by law or duly adopted 30475
rules. 30476

(H) This section applies to entities that sponsor 30477
conversion community schools and new start-up schools. 30478

(I) Nothing in divisions (C) to (F) of this section 30479
prohibits the department from taking any action permitted or 30480
required under the written agreement between the department and 30481
a sponsoring entity without a hearing on the matter, in the 30482
event that the sponsor is unwilling or unable to fulfill its 30483
obligations. 30484

Sec. 3314.016. This section applies to any entity that 30485
sponsors a community school, regardless of whether section 30486
3314.021 or 3314.027 of the Revised Code exempts the entity from 30487
the requirement to be approved for sponsorship under divisions 30488
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 30489
office of Ohio school sponsorship established under section 30490
3314.029 of the Revised Code shall be rated under division (B) 30491
of this section, but divisions (A) and (C) of this section do 30492
not apply to the office. 30493

(A) An entity that sponsors a community school shall be 30494
permitted to enter into contracts under section 3314.03 of the 30495
Revised Code to sponsor additional community schools only if the 30496
entity meets all of the following criteria: 30497

(1) The entity is in compliance with all provisions of 30498
this chapter requiring sponsors of community schools to report 30499
data or information to the department of education and 30500
workforce. 30501

(2) The entity is not rated as "ineffective" under 30502

division (B) (6) of this section. 30503

(3) Except as set forth in sections 3314.021 and 3314.027 30504
of the Revised Code, the entity has received approval from and 30505
entered into an agreement with the department ~~of education~~ 30506
pursuant to section 3314.015 of the Revised Code. 30507

(B) (1) The department shall develop and implement an 30508
evaluation system that annually rates and assigns an overall 30509
rating to each entity that sponsors a community school. The 30510
department, not later than the first day of February of each 30511
year, shall post on the department's web site the framework for 30512
the evaluation system, including technical documentation that 30513
the department intends to use to rate sponsors for the next 30514
school year. The department shall solicit public comment on the 30515
evaluation system for thirty consecutive days. Not later than 30516
the first day of April of each year, the department shall 30517
compile and post on the department's web site all public 30518
comments that were received during the public comment period. 30519
The evaluation system shall be posted on the department's web 30520
site by the fifteenth day of July of each school year. Any 30521
changes to the evaluation system after that date shall take 30522
effect the following year. The evaluation system shall be based 30523
on the following components: 30524

(a) Academic performance of students enrolled in community 30525
schools sponsored by the same entity. The academic performance 30526
component shall be derived from the performance measures 30527
prescribed for the state report cards under section 3302.03 or 30528
3314.017 of the Revised Code, and shall be based on the 30529
performance of the schools for the school year for which the 30530
evaluation is conducted. In addition to the academic performance 30531
for a specific school year, the academic performance component 30532

shall also include year-to-year changes in the overall sponsor 30533
portfolio. For a community school for which no graded 30534
performance measures are applicable or available, the department 30535
shall use nonreport card performance measures specified in the 30536
contract between the community school and the sponsor under 30537
division (A) (4) of section 3314.03 of the Revised Code. 30538

(b) Adherence by a sponsor to the quality practices 30539
prescribed by the department under division (B) (3) of this 30540
section. For a sponsor that was rated "effective" or "exemplary" 30541
on its most recent rating, the department may evaluate that 30542
sponsor's adherence to quality practices once over a period of 30543
three years. If the department elects to evaluate a sponsor once 30544
over a period of three years, the most recent rating for a 30545
sponsor's adherence to quality practices shall be used when 30546
determining an annual overall rating conducted under this 30547
section. 30548

(c) Compliance with all applicable laws and administrative 30549
rules by an entity that sponsors a community school. 30550

Under the evaluation system prescribed under division (B) 30551
(1) of this section, the department shall not assign an overall 30552
rating of "ineffective" or lower to an entity that sponsors a 30553
community school solely because that entity received no points 30554
on one of the components prescribed under that division. 30555

(2) In calculating an academic performance component, the 30556
department shall exclude all community schools that have been in 30557
operation for not more than two full school years and all 30558
community schools described in division (A) (4) (b) of section 30559
3314.35 of the Revised Code. However, the academic performance 30560
of the community schools described in division (A) (4) (b) of 30561
section 3314.35 of the Revised Code shall be reported, but shall 30562

not be used as a factor when determining a sponsoring entity's rating under this section. 30563
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(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization. 30565
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(4) (a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B) (3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section. 30572
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(b) The department shall require individuals participating in peer review under division (B) (4) (a) of this section to complete training approved or established by the department. 30578
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(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program. 30581
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(5) The ~~state board~~ director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B) (1) (c) of this section. 30586
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(6) The department annually shall rate all entities that 30591

sponsor community schools as either "exemplary," "effective," 30592
"ineffective," or "poor," based on the components prescribed by 30593
division (B) of this section, where each component is weighted 30594
equally. A separate rating shall be given by the department for 30595
each component of the evaluation system. 30596

The department shall publish the ratings between the first 30597
day of October and the fifteenth day of November. 30598

Prior to the publication of the final ratings, the 30599
department shall designate and provide notice of a period of at 30600
least ten business days during which each sponsor may review the 30601
information used by the department to determine the sponsor's 30602
rating on the components prescribed by division (B) (1) of this 30603
section. If the sponsor believes there is an error in the 30604
department's evaluation, the sponsor may request adjustments to 30605
the rating of any of those components based on documentation 30606
previously submitted as part of an evaluation. The sponsor shall 30607
provide to the department any necessary evidence or information 30608
to support the requested adjustments. The department shall 30609
review the evidence and information, determine whether an 30610
adjustment is valid, and promptly notify the sponsor of its 30611
determination and reasons. If any adjustments to the data could 30612
result in a change to the rating on the applicable component or 30613
to the overall rating, the department shall recalculate the 30614
ratings prior to publication. 30615

The department shall provide training on an annual basis 30616
regarding the evaluation system prescribed under this section. 30617
The training shall, at a minimum, describe methodology, 30618
timelines, and data required for the evaluation system. The 30619
first training session shall occur not later than March 2, 2016. 30620
Beginning in 2018, the training shall be made available to each 30621

entity that sponsors a community school by the fifteenth day of 30622
July of each year and shall include guidance on any changes made 30623
to the evaluation system. 30624

(7) (a) Entities with an overall rating of "exemplary" for 30625
the two most recent years in which the entity was evaluated may 30626
take advantage of the following incentives: 30627

(i) Renewal of the written agreement with the department, 30628
not to exceed ten years, provided that the entity consents to 30629
continued evaluation of adherence to quality practices as 30630
described in division (B) (1) (b) of this section; 30631

(ii) The ability to extend the term of the contract 30632
between the sponsoring entity and the community school beyond 30633
the term described in the written agreement with the department; 30634

(iii) An exemption from the preliminary agreement and 30635
contract adoption and execution deadline requirements prescribed 30636
in division (D) of section 3314.02 of the Revised Code; 30637

(iv) An exemption from the automatic contract expiration 30638
requirement, should a new community school fail to open by the 30639
thirtieth day of September of the calendar year in which the 30640
community school contract is executed; 30641

(v) No limit on the number of community schools the entity 30642
may sponsor; 30643

(vi) No territorial restrictions on sponsorship. 30644

An entity may continue to sponsor any community schools 30645
with which it entered into agreements under division (B) (7) (a) 30646
(v) or (vi) of this section while rated "exemplary," 30647
notwithstanding the fact that the entity later receives a lower 30648
overall rating. 30649

(b) Entities with an overall rating of "exemplary" or "effective" for the three most recent years in which the entity was evaluated shall be evaluated by the department once every three years.

(c) (i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(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 30680
119. of the Revised Code. The hearing shall be conducted within 30681
thirty days after receipt of the notice of appeal. Within forty- 30682
five days after the hearing is completed, the ~~state board of~~ 30683
~~education~~ director shall determine whether the revocation is 30684
appropriate based on the hearing conducted by the independent 30685
hearing officer, and if determined appropriate, the revocation 30686
shall be confirmed. 30687

(8) For the 2014-2015 school year and each school year 30688
thereafter, student academic performance prescribed under 30689
division (B)(1)(a) of this section shall include student 30690
academic performance data from community schools that primarily 30691
serve students enrolled in a dropout prevention and recovery 30692
program. 30693

(C) If the governing authority of a community school 30694
enters into a contract with a sponsor prior to the date on which 30695
the sponsor is prohibited from sponsoring additional schools 30696
under division (A) of this section and the school has not opened 30697
for operation as of that date, that contract shall be void and 30698
the school shall not open until the governing authority secures 30699
a new sponsor by entering into a contract with the new sponsor 30700
under section 3314.03 of the Revised Code. However, the 30701
department's office of Ohio school sponsorship, established 30702
under section 3314.029 of the Revised Code, may assume the 30703
sponsorship of the school until the earlier of the expiration of 30704
two school years or until a new sponsor is secured by the 30705
school's governing authority. A community school sponsored by 30706
the department under this division shall not be included when 30707
calculating the maximum number of directly authorized community 30708
schools permitted under division (A)(3) of section 3314.029 of 30709
the Revised Code. 30710

(D) When an entity's authority to sponsor schools is 30711
revoked pursuant to division (B) (7) (c) or (d) of this section, 30712
the office of Ohio school sponsorship shall assume sponsorship 30713
of any schools with which the original sponsor has contracted 30714
for the remainder of that school year. The office may continue 30715
sponsoring those schools until the earlier of: 30716

(1) The expiration of two school years from the time that 30717
sponsorship is revoked; 30718

(2) When a new sponsor is secured by the governing 30719
authority pursuant to division (C) (1) of section 3314.02 of the 30720
Revised Code. 30721

Any community school sponsored under this division shall 30722
not be counted for purposes of directly authorized community 30723
schools under division (A) (3) of section 3314.029 of the Revised 30724
Code. 30725

(E) The department shall recalculate the rating for the 30726
2017-2018 school year for each sponsor of a community school 30727
that receives recalculated ratings pursuant to division (I) of 30728
section 3314.017 of the Revised Code. 30729

Sec. 3314.017. (A) The ~~state board~~ department of education 30730
and workforce shall prescribe by rules, adopted in accordance 30731
with Chapter 119. of the Revised Code, an academic performance 30732
rating and report card system that satisfies the requirements of 30733
this section for community schools that primarily serve students 30734
enrolled in dropout prevention and recovery programs as 30735
described in division (A) (4) (a) of section 3314.35 of the 30736
Revised Code, to be used in lieu of the system prescribed under 30737
sections 3302.03 and 3314.012 of the Revised Code beginning with 30738
the 2012-2013 school year. Each such school shall comply with 30739

the testing and reporting requirements of the system as 30740
prescribed by the ~~state board~~ department. 30741

(B) Nothing in this section shall at any time relieve a 30742
school from its obligations under the "No Child Left Behind Act 30743
of 2001" to make "adequate yearly progress," as both that act 30744
and that term are defined in section 3302.01 of the Revised 30745
Code, or a school's amenability to the provisions of section 30746
3302.04 or 3302.041 of the Revised Code. The department ~~of~~ 30747
~~education~~ shall continue to report each school's performance as 30748
required by the act and to enforce applicable sanctions under 30749
section 3302.04 or 3302.041 of the Revised Code. 30750

(C) The rules adopted by the ~~state board~~ department shall 30751
prescribe the following performance indicators for the rating 30752
and report card system required by this section: 30753

(1) Graduation rate for each of the following student 30754
cohorts: 30755

(a) The number of students who graduate in four years or 30756
less with a regular high school diploma divided by the number of 30757
students who form the adjusted cohort for the graduating class; 30758

(b) The number of students who graduate in five years with 30759
a regular high school diploma divided by the number of students 30760
who form the adjusted cohort for the four-year graduation rate; 30761

(c) The number of students who graduate in six years with 30762
a regular high school diploma divided by the number of students 30763
who form the adjusted cohort for the four-year graduation rate; 30764

(d) The number of students who graduate in seven years 30765
with a regular high school diploma divided by the number of 30766
students who form the adjusted cohort for the four-year 30767
graduation rate; 30768

(e) The number of students who graduate in eight years 30769
with a regular high school diploma divided by the number of 30770
students who form the adjusted cohort for the four-year 30771
graduation rate. 30772

(2) The percentage of twelfth-grade students currently 30773
enrolled in the school who have attained the designated passing 30774
score on all of the state high school achievement assessments 30775
required under division (B) (1) of section 3301.0710 of the 30776
Revised Code or the cumulative performance score on the end-of- 30777
course examinations prescribed under division (B) (2) of section 30778
3301.0712 of the Revised Code, whichever applies, and other 30779
students enrolled in the school, regardless of grade level, who 30780
are within three months of their twenty-second birthday and have 30781
attained the designated passing score on all of the state high 30782
school achievement assessments or the cumulative performance 30783
score on the end-of-course examinations, whichever applies, by 30784
their twenty-second birthday; 30785

(3) Annual measurable objectives as defined in section 30786
3302.01 of the Revised Code; 30787

(4) Growth in student achievement in reading, or 30788
mathematics, or both as measured by separate nationally norm- 30789
referenced assessments that have developed appropriate standards 30790
for students enrolled in dropout prevention and recovery 30791
programs, adopted or approved by the ~~state board~~ department. 30792

(D) (1) The ~~state board's department's~~ rules shall 30793
prescribe the expected performance levels and benchmarks for 30794
each of the indicators prescribed by division (C) of this 30795
section based on the data gathered by the department under 30796
division (G) of this section. Based on a school's level of 30797
attainment or nonattainment of the expected performance levels 30798

and benchmarks for each of the indicators, the department shall 30799
rate each school in one of the following categories: 30800

- (a) Exceeds standards; 30801
- (b) Meets standards; 30802
- (c) Does not meet standards. 30803

(2) The ~~state board's~~ department's rules shall establish 30804
all of the following: 30805

- (a) Not later than June 30, 2013, performance levels and 30806
benchmarks for the indicators described in divisions (C) (1) to 30807
(3) of this section; 30808
- (b) Not later than December 31, 2014, both of the 30809
following: 30810
 - (i) Performance levels and benchmarks for the indicator 30811
described in division (C) (4) of this section; 30812
 - (ii) Standards for awarding a community school described 30813
in division (A) (4) (a) of section 3314.35 of the Revised Code an 30814
overall designation, which shall be calculated as follows: 30815
 - (I) Thirty per cent of the score shall be based on the 30816
indicators described in division (C) (1) of this section that are 30817
applicable to the school year for which the overall designation 30818
is granted. 30819
 - (II) Thirty per cent of the score shall be based on the 30820
indicators described in division (C) (4) of this section. 30821
 - (III) Twenty per cent of the score shall be based on the 30822
indicators described in division (C) (2) of this section. 30823
 - (IV) Twenty per cent of the score shall be based on the 30824
indicators described in division (C) (3) of this section. 30825

(3) If both of the indicators described in divisions (C) 30826
(1) and (2) of this section improve by ten per cent for two 30827
consecutive years, a school shall be rated not less than "meets 30828
standards." 30829

The rating and the relevant performance data for each 30830
school shall be posted on the department's web site, and a copy 30831
of the rating and data shall be provided to the governing 30832
authority of the community school. 30833

(E) (1) For the 2012-2013 school year, the department shall 30834
issue a report card including the following performance 30835
measures, but without a performance rating as described in 30836
divisions (D) (1) (a) to (c) of this section, for each community 30837
school described in division (A) (4) (a) of section 3314.35 of the 30838
Revised Code: 30839

(a) The graduation rates as described in divisions (C) (1) 30840
(a) to (c) of this section; 30841

(b) The percentage of twelfth-grade students and other 30842
students who have attained a designated passing score on high 30843
school achievement assessments as described in division (C) (2) 30844
of this section; 30845

(c) The statewide average for the graduation rates and 30846
assessment passage rates described in divisions (C) (1) (a) to (c) 30847
and (C) (2) of this section; 30848

(d) Annual measurable objectives described in division (C) 30849
(3) of this section. 30850

(2) For the 2013-2014 school year, the department shall 30851
issue a report card including the following performance measures 30852
for each community school described in division (A) (4) (a) of 30853
section 3314.35 of the Revised Code: 30854

(a) The graduation rates described in divisions (C) (1) (a)	30855
to (d) of this section, including a performance rating as	30856
described in divisions (D) (1) (a) to (c) of this section;	30857
(b) The percentage of twelfth-grade students and other	30858
students who have attained a designated passing score on high	30859
school achievement assessments as described in division (C) (2)	30860
of this section, including a performance rating as described in	30861
divisions (D) (1) (a) to (c) of this section;	30862
(c) Annual measurable objectives described in division (C)	30863
(3) of this section, including a performance rating as described	30864
in divisions (D) (1) (a) to (c) of this section;	30865
(d) Both of the following without an assigned rating:	30866
(i) Growth in annual student achievement in reading and	30867
mathematics described in division (C) (4) of this section, if	30868
available;	30869
(ii) Student outcome data, including postsecondary credit	30870
earned, nationally recognized career or technical certification,	30871
military enlistment, job placement, and attendance rate.	30872
(3) Beginning with the 2014-2015 school year, and annually	30873
thereafter, the department shall issue a report card for each	30874
community school described in division (A) (4) (a) of section	30875
3314.35 of the Revised Code that includes all of the following	30876
performance measures, including a performance rating for each	30877
measure as described in divisions (D) (1) (a) to (c) of this	30878
section:	30879
(a) The graduation rates as described in division (C) (1)	30880
of this section;	30881
(b) The percentage of twelfth-grade students and other	30882

students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;

(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;

(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;

(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this section.

The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E) (3) of this section for each community school to which this section applies.

(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including

sample assessments for purposes of measuring student achievement 30912
growth as described in division (C) (4) of this section. The 30913
department shall consult with stakeholder groups in performing 30914
its duties under this division. 30915

The department shall also identify one or more states that 30916
have established or are in the process of establishing similar 30917
academic performance rating systems for dropout prevention and 30918
recovery programs and consult with the departments of education 30919
of those states in developing the system required by this 30920
section. 30921

~~(H) Not later than December 31, 2014, the state board~~ The 30922
department shall review the performance levels and benchmarks 30923
for performance indicators in the report card issued under this 30924
section and may revise them based on the data collected under 30925
division (G) of this section. 30926

(I) For the purposes of division (F) of section 3314.351 30927
of the Revised Code, the department shall recalculate the 30928
ratings for each school under division (E) (3) of this section 30929
for the 2017-2018 school year and calculate the ratings under 30930
that division for the 2018-2019 school year using the indicators 30931
prescribed by division (C) of this section, as it exists on and 30932
after July 18, 2019. 30933

Sec. 3314.02. (A) As used in this chapter: 30934

(1) "Sponsor" means the board of education of a school 30935
district or the governing board of an educational service center 30936
that agrees to the conversion of all or part of a school or 30937
building under division (B) of this section, or an entity listed 30938
in division (C) (1) of this section, which has been approved by 30939
the department of education and workforce to sponsor community 30940

schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(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;

(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;

(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; 30970

(iv) For the 2021-2022 school year and for any school year 30971
thereafter, the district has received an overall performance 30972
rating of less than three stars under division (D) (3) of section 30973
3302.03 of the Revised Code, or, for at least two of the three 30974
most recent school years, the district received one star for 30975
progress under division (D) (3) (c) of that section. 30976

(c) A big eight school district; 30977

(d) A school district ranked in the lowest five per cent 30978
of school districts according to performance index score under 30979
section 3302.21 of the Revised Code. 30980

(4) "Big eight school district" means a school district 30981
that for fiscal year 1997 had both of the following: 30982

(a) A percentage of children residing in the district and 30983
participating in the predecessor of Ohio works first greater 30984
than thirty per cent, as reported pursuant to section 3317.10 of 30985
the Revised Code; 30986

(b) An average daily membership greater than twelve 30987
thousand, as reported pursuant to former division (A) of section 30988
3317.03 of the Revised Code. 30989

(5) "New start-up school" means a community school other 30990
than one created by converting all or part of an existing public 30991
school or educational service center building, as designated in 30992
the school's contract pursuant to division (A) (17) of section 30993
3314.03 of the Revised Code. 30994

(6) "Urban school district" means one of the state's 30995
twenty-one urban school districts as defined in division (O) of 30996
section 3317.02 of the Revised Code as that section existed 30997

prior to July 1, 1998. 30998

(7) "Internet- or computer-based community school" means a 30999
community school established under this chapter in which the 31000
enrolled students work primarily from their residences on 31001
assignments in nonclassroom-based learning opportunities 31002
provided via an internet- or other computer-based instructional 31003
method that does not rely on regular classroom instruction or 31004
via comprehensive instructional methods that include internet- 31005
based, other computer-based, and noncomputer-based learning 31006
opportunities unless a student receives career-technical 31007
education under section 3314.086 of the Revised Code. 31008

A community school that operates mainly as an internet- or 31009
computer-based community school and provides career-technical 31010
education under section 3314.086 of the Revised Code shall be 31011
considered an internet- or computer-based community school, even 31012
if it provides some classroom-based instruction, so long as it 31013
provides instruction via the methods described in this division. 31014

(8) "Operator" or "management company" means either of the 31015
following: 31016

(a) An individual or organization that manages the daily 31017
operations of a community school pursuant to a contract between 31018
the operator or management company and the school's governing 31019
authority; 31020

(b) A nonprofit organization that provides programmatic 31021
oversight and support to a community school under a contract 31022
with the school's governing authority and that retains the right 31023
to terminate its affiliation with the school if the school fails 31024
to meet the organization's quality standards. 31025

(9) "Alliance municipal school district" has the same 31026

meaning as in section 3311.86 of the Revised Code. 31027

(B) (1) Any person or group of individuals may initially 31028
propose under this division the conversion of all or a portion 31029
of a public school to a community school. The proposal shall be 31030
made to the board of education of the city, local, exempted 31031
village, or joint vocational school district in which the public 31032
school is proposed to be converted. 31033

(2) Any person or group of individuals may initially 31034
propose under this division the conversion of all or a portion 31035
of a building operated by an educational service center to a 31036
community school. The proposal shall be made to the governing 31037
board of the service center. 31038

On or after July 1, 2017, except as provided in section 31039
3314.027 of the Revised Code, any educational service center 31040
that sponsors a community school shall be approved by and enter 31041
into a written agreement with the department as described in 31042
section 3314.015 of the Revised Code. 31043

(3) Upon receipt of a proposal, and after an agreement has 31044
been entered into pursuant to section 3314.015 of the Revised 31045
Code, a board may enter into a preliminary agreement with the 31046
person or group proposing the conversion of the public school or 31047
service center building, indicating the intention of the board 31048
to support the conversion to a community school. A proposing 31049
person or group that has a preliminary agreement under this 31050
division may proceed to finalize plans for the school, establish 31051
a governing authority for the school, and negotiate a contract 31052
with the board. Provided the proposing person or group adheres 31053
to the preliminary agreement and all provisions of this chapter, 31054
the board shall negotiate in good faith to enter into a contract 31055
in accordance with section 3314.03 of the Revised Code and 31056

division (C) of this section. 31057

(4) The sponsor of a conversion community school proposed 31058
to open in an alliance municipal school district shall be 31059
subject to approval by the department of education and workforce 31060
for sponsorship of that school using the criteria established 31061
under division (A) of section 3311.87 of the Revised Code. 31062

Division (B) (4) of this section does not apply to a 31063
sponsor that, on or before September 29, 2015, was exempted 31064
under section 3314.021 or 3314.027 of the Revised Code from the 31065
requirement to be approved for sponsorship under divisions (A) 31066
(2) and (B) (1) of section 3314.015 of the Revised Code. 31067

(5) A school established in accordance with division (B) 31068
of this section that later enters into a sponsorship contract 31069
with an entity that is not a school district or educational 31070
service center shall, at the time of entering into the new 31071
contract, be deemed a community school established in accordance 31072
with division (C) of this section. 31073

(C) (1) Provided all other conditions of sponsorship and 31074
governance are satisfied, any person or group of individuals may 31075
propose under this division the establishment of a new start-up 31076
school regardless of the school's proposed location. The 31077
proposal may be made to any of the following entities: 31078

(a) The board of education of the district in which the 31079
school is proposed to be located; 31080

(b) The board of education of any joint vocational school 31081
district with territory in the county in which is located the 31082
majority of the territory of the district in which the school is 31083
proposed to be located; 31084

(c) The board of education of any other city, local, or 31085

exempted village school district having territory in the same 31086
county where the district in which the school is proposed to be 31087
located has the major portion of its territory; 31088

(d) The governing board of any educational service center, 31089
regardless of the location of the proposed school, may sponsor a 31090
new start-up school if all of the following are satisfied: 31091

(i) If applicable, it satisfies the requirements of 31092
division (E) of section 3311.86 of the Revised Code; 31093

(ii) It is approved to do so by the department; 31094

(iii) It enters into an agreement with the department 31095
under section 3314.015 of the Revised Code. 31096

(e) A sponsoring authority designated by the board of 31097
trustees of any of the thirteen state universities listed in 31098
section 3345.011 of the Revised Code or the board of trustees 31099
itself as long as a mission of the proposed school to be 31100
specified in the contract under division (A) (2) of section 31101
3314.03 of the Revised Code and as approved by the department 31102
under division (B) (3) of section 3314.015 of the Revised Code 31103
will be the practical demonstration of teaching methods, 31104
educational technology, or other teaching practices that are 31105
included in the curriculum of the university's teacher 31106
preparation program approved by the ~~state board of education~~ 31107
chancellor of higher education; 31108

(f) Any qualified tax-exempt entity under section 501(c) 31109
(3) of the Internal Revenue Code as long as all of the following 31110
conditions are satisfied: 31111

(i) The entity has been in operation for at least five 31112
years prior to applying to be a community school sponsor. 31113

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B) (4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section

may enter into a preliminary agreement pursuant to division (C) 31144
(2) of this section with the proposing person or group, provided 31145
that entity has been approved by and entered into a written 31146
agreement with the department pursuant to section 3314.015 of 31147
the Revised Code. 31148

(2) A preliminary agreement indicates the intention of an 31149
entity described in division (C)(1) of this section to sponsor 31150
the community school. A proposing person or group that has such 31151
a preliminary agreement may proceed to finalize plans for the 31152
school, establish a governing authority as described in division 31153
(E) of this section for the school, and negotiate a contract 31154
with the entity. Provided the proposing person or group adheres 31155
to the preliminary agreement and all provisions of this chapter, 31156
the entity shall negotiate in good faith to enter into a 31157
contract in accordance with section 3314.03 of the Revised Code. 31158

(3) A new start-up school that is established in a school 31159
district described in either division (A)(3)(b) or (d) of this 31160
section may continue in existence once the school district no 31161
longer meets the conditions described in either division, 31162
provided there is a valid contract between the school and a 31163
sponsor. 31164

(4) A copy of every preliminary agreement entered into 31165
under this division shall be filed with the ~~superintendent of~~ 31166
~~public instruction~~director of education and workforce. 31167

(D) A majority vote of the board of a sponsoring entity 31168
and a majority vote of the members of the governing authority of 31169
a community school shall be required to adopt a contract and 31170
convert the public school or educational service center building 31171
to a community school or establish the new start-up school. 31172
Beginning September 29, 2005, adoption of the contract shall 31173

occur not later than the fifteenth day of March, and signing of 31174
the contract shall occur not later than the fifteenth day of 31175
May, prior to the school year in which the school will open. The 31176
governing authority shall notify the department of education and 31177
workforce when the contract has been signed. Subject to sections 31178
3314.013 and 3314.016 of the Revised Code, an unlimited number 31179
of community schools may be established in any school district 31180
provided that a contract is entered into for each community 31181
school pursuant to this chapter. 31182

(E) (1) As used in this division, "immediate relatives" are 31183
limited to spouses, children, parents, grandparents, and 31184
siblings, as well as in-laws residing in the same household as 31185
the person serving on the governing authority. 31186

Each new start-up community school established under this 31187
chapter shall be under the direction of a governing authority 31188
which shall consist of a board of not less than five 31189
individuals. 31190

(2) (a) No person shall serve on the governing authority or 31191
operate the community school under contract with the governing 31192
authority under any of the following circumstances: 31193

(i) The person owes the state any money or is in a dispute 31194
over whether the person owes the state any money concerning the 31195
operation of a community school that has closed. 31196

(ii) The person would otherwise be subject to division (B) 31197
of section 3319.31 of the Revised Code with respect to refusal, 31198
limitation, or revocation of a license to teach, if the person 31199
were a licensed educator. 31200

(iii) The person has pleaded guilty to or been convicted 31201
of theft in office under section 2921.41 of the Revised Code, or 31202

has pleaded guilty to or been convicted of a substantially 31203
similar offense in another state. 31204

(b) No person shall serve on the governing authority or 31205
engage in the financial day-to-day management of the community 31206
school under contract with the governing authority unless and 31207
until that person has submitted to a criminal records check in 31208
the manner prescribed by section 3319.39 of the Revised Code. 31209

(c) Each sponsor of a community school shall annually 31210
verify that a finding for recovery has not been issued by the 31211
auditor of state against any individual or individuals who 31212
propose to create a community school or any member of the 31213
governing authority, the operator, or any employee of each 31214
community school with responsibility for fiscal operations or 31215
authorization to expend money on behalf of the school. 31216

(3) No person shall serve on the governing authorities of 31217
more than five start-up community schools at the same time 31218
unless both of the following apply: 31219

(a) The person serves in a volunteer capacity and receives 31220
no compensation under division (E) (5) of this section from any 31221
governing authority on which the person serves. 31222

(b) For any school that has an operator, the operator is a 31223
nonprofit organization. 31224

(4) (a) For a community school established under this 31225
chapter that is not sponsored by a school district or an 31226
educational service center, no present or former member, or 31227
immediate relative of a present or former member, of the 31228
governing authority shall be an owner, employee, or consultant 31229
of the community school's sponsor or operator, unless at least 31230
one year has elapsed since the conclusion of the person's 31231

membership on the governing authority. 31232

(b) For a community school established under this chapter 31233
that is sponsored by a school district or an educational service 31234
center, no present or former member, or immediate relative of a 31235
present or former member, of the governing authority shall: 31236

(i) Be an officer of the district board or service center 31237
governing board that serves as the community school's sponsor, 31238
unless at least one year has elapsed since the conclusion of the 31239
person's membership on the governing authority; 31240

(ii) Serve as an employee of, or a consultant for, the 31241
department, division, or section of the sponsoring district or 31242
service center that is directly responsible for sponsoring 31243
community schools, or have supervisory authority over such a 31244
department, division, or section, unless at least one year has 31245
elapsed since the conclusion of the person's membership on the 31246
governing authority. 31247

(5) The governing authority of a start-up or conversion 31248
community school may provide by resolution for the compensation 31249
of its members. However, no individual who serves on the 31250
governing authority of a start-up or conversion community school 31251
shall be compensated more than one hundred twenty-five dollars 31252
per meeting of that governing authority and no such individual 31253
shall be compensated more than a total amount of five thousand 31254
dollars per year for all governing authorities upon which the 31255
individual serves. Each member of the governing authority may be 31256
paid compensation for attendance at an approved training 31257
program, provided that such compensation shall not exceed sixty 31258
dollars a day for attendance at a training program three hours 31259
or less in length and one hundred twenty-five dollars a day for 31260
attendance at a training program longer than three hours in 31261

length. 31262

(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. 31263
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(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: 31267
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(a) The sponsor or operator of that community school; 31272

(b) A school district or educational service center that has contracted with that community school; 31273
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(c) A vendor that is or has engaged in business with that community school. 31275
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(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school. 31277
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(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date. 31280
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(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, 31286
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provided the school complies with all provisions of this 31290
chapter. The contract between the school's governing authority 31291
and the school's sponsor may be renewed. 31292

(3) Any educational service center that, on June 30, 2007, 31293
sponsors a community school that is not located in a county 31294
within the territory of the service center or in a county 31295
contiguous to such county may continue to sponsor that community 31296
school on and after June 30, 2007, and may renew its contract 31297
with the school. 31298

(4) ~~On and after the effective date of this amendment, the~~ 31299
The department of education and workforce shall not restrict the 31300
establishment of a new start-up community school to those 31301
located in a challenged school district as was required by this 31302
section prior to ~~the effective date of this amendment~~September 31303
30, 2021. 31304

Sec. 3314.021. (A) This section applies to any entity that 31305
is exempt from taxation under section 501(c)(3) of the Internal 31306
Revenue Code and that satisfies the conditions specified in 31307
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 31308
Revised Code but does not satisfy the condition specified in 31309
division (C)(1)(f)(i) of that section. 31310

(B) Notwithstanding division (C)(1)(f)(i) of section 31311
3314.02 of the Revised Code, and subject to division (D)(2) of 31312
this section, an entity described in division (A) of this 31313
section may do both of the following without obtaining the 31314
department of ~~education's~~ education and workforce's initial 31315
approval of its sponsorship under divisions (A)(2) and (B)(1) of 31316
section 3314.015 of the Revised Code: 31317

(1) Succeed the board of trustees of a state university 31318

located in the pilot project area or that board's designee as 31319
the sponsor of a community school established under this 31320
chapter; 31321

(2) Continue to sponsor that school in conformance with 31322
the terms of the contract between the board of trustees or its 31323
designee and the governing authority of the community school and 31324
renew that contract as provided in division (E) of section 31325
3314.03 of the Revised Code. 31326

(C) The entity that succeeds the board of trustees or the 31327
board's designee as sponsor of a community school under division 31328
(B) of this section also may enter into contracts to sponsor 31329
other community schools regardless of the proposed school's 31330
location, without obtaining the department's initial approval of 31331
its sponsorship of those schools under divisions (A) (2) and (B) 31332
(1) of section 3314.015 of the Revised Code as long as the 31333
contracts conform with and the entity complies with all other 31334
requirements of this chapter. 31335

(D) (1) Regardless of the entity's authority to sponsor 31336
community schools without the initial approval of the 31337
department, the entity is under the continuing oversight of the 31338
department in accordance with rules adopted under section 31339
3314.015 of the Revised Code. 31340

(2) If an entity described in division (A) of this section 31341
receives a rating below "effective" under division (B) of 31342
section 3314.016 of the Revised Code for two or more consecutive 31343
years, that entity shall receive approval from the department ~~of~~ 31344
~~education~~ to sponsor community schools and enter into a written 31345
agreement with the department in accordance with division (B) (1) 31346
of section 3314.015 of the Revised Code prior to entering into 31347
any further preliminary agreements under division (C) (2) of 31348

section 3314.02 of the Revised Code or renewing any existing 31349
contract to sponsor a community school. 31350

(E) (1) As used in division (E) of this section: 31351

(a) "Board of trustees" means a board of trustees of a 31352
state university located in the pilot project area. 31353

(b) "Rating" means a sponsor rating under section 3314.016 31354
of the Revised Code. 31355

(2) Notwithstanding anything to the contrary in division 31356
(B) (7) (b) of section 3314.016 of the Revised Code, for the 31357
purposes of that division, the department shall consider an 31358
entity that succeeded a board of trustees as the sponsor of a 31359
community school in accordance with division (B) (1) of this 31360
section to have received the same rating for the 2016-2017 31361
school year as the board of trustees, provided all of the 31362
following apply: 31363

(a) The department assigned the board of trustees a rating 31364
of either "effective" or "exemplary" for the 2016-2017 school 31365
year. 31366

(b) The department did not assign the entity its own 31367
rating for the 2016-2017 school year. 31368

(c) The department assigned the entity its own rating for 31369
the 2017-2018 school year. 31370

Sec. 3314.023. A sponsor shall provide monitoring, 31371
oversight, and technical assistance to each school that it 31372
sponsors. In order to provide monitoring, oversight, and 31373
technical assistance, a representative of the sponsor of a 31374
community school shall meet with the governing authority or 31375
fiscal officer of the school and shall review the financial and 31376

enrollment records of the school at least once every month. Not 31377
later than ten days after each review, the sponsor shall provide 31378
the governing authority and fiscal officer with a written report 31379
regarding the review. Copies of those financial and enrollment 31380
records shall be furnished to the community school sponsor and 31381
operator, members of the governing authority, and the fiscal 31382
officer designated in section 3314.011 of the Revised Code on a 31383
monthly basis. 31384

If a community school closes or is permanently closed, the 31385
designated fiscal officer shall deliver all financial and 31386
enrollment records to the school's sponsor within thirty days of 31387
the school's closure. If the fiscal officer fails to provide the 31388
records in a timely manner, or fails to faithfully perform any 31389
of the fiscal officer's other duties, the sponsor has the right 31390
of action against the fiscal officer to compel delivery of all 31391
financial and enrollment records of the school and shall, if 31392
necessary, seek recovery of any funds owed as a result of any 31393
finding of recovery by the auditor of state against the fiscal 31394
officer. 31395

For purposes of this chapter, "monitoring, oversight, and 31396
technical assistance" shall include the following: 31397

(A) Monitoring the community school's compliance with all 31398
laws applicable to the school and with the terms of the 31399
contract; 31400

(B) Monitoring and evaluating the academic and fiscal 31401
performance and the organization and operation of the community 31402
school on at least an annual basis. The evaluation of a school's 31403
academic and fiscal performance shall be based on the 31404
performance requirements specified in the contract between the 31405
sponsor and the governing authority under section 3314.03 of the 31406

Revised Code, the state report cards issued for the school under 31407
section 3302.03 or 3314.017 of the Revised Code, and any other 31408
analysis conducted by the department of education and workforce. 31409

(C) Reporting on an annual basis the results of the 31410
evaluation conducted under division (D)(2) of section 3314.03 of 31411
the Revised Code to the department of education and workforce 31412
and to the parents of students enrolled in the community school; 31413

(D) Providing technical assistance to the community school 31414
in complying with laws applicable to the school and terms of the 31415
contract; 31416

(E) Taking steps to intervene in the school's operation to 31417
correct problems in the school's overall performance, declaring 31418
the school to be on probationary status pursuant to section 31419
3314.073 of the Revised Code, suspending the operation of the 31420
school pursuant to section 3314.072 of the Revised Code, or 31421
terminating the contract of the school pursuant to section 31422
3314.07 of the Revised Code as determined necessary by the 31423
sponsor; 31424

(F) Having in place a plan of action to be undertaken in 31425
the event the community school experiences financial 31426
difficulties or closes prior to the end of a school year. 31427

(G) Other activities designed to specifically benefit the 31428
community school the entity sponsors. 31429

Sec. 3314.025. (A) Beginning with the 2016-2017 school 31430
year, each sponsor of a community school shall submit, not later 31431
than the fifteenth day of August of each year, a report to the 31432
department of education and workforce, using the format and 31433
manner prescribed by the department as set forth in division (B) 31434
of this section, describing the amount and type of expenditures 31435

made to provide monitoring, oversight, and technical assistance 31436
to the community schools it sponsors. The report shall also be 31437
submitted to the governing authority of the community school. 31438

(B) Not later than ninety days after the effective date of 31439
this section, the department shall establish requirements and a 31440
reporting procedure to aid each sponsor in complying with 31441
division (A) of this section. The department shall require that 31442
each report include at least the following types of expenditures 31443
made to provide oversight, monitoring, and technical assistance 31444
to the community school it sponsors: 31445

(1) Employee salaries, wages, benefits, and other 31446
compensation; 31447

(2) All purchased or contracted services; 31448

(3) Materials and supplies; 31449

(4) Equipment, furniture, and fixtures; 31450

(5) Facilities; 31451

(6) Other expenditures. 31452

(C) The report submitted under this section shall be a 31453
factor when evaluating a sponsor's compliance with applicable 31454
law and administrative rules as prescribed under division (B) (1) 31455
(c) of section 3314.016 of the Revised Code. The report also may 31456
be used as a factor when evaluating a sponsor's adherence to 31457
quality practices as prescribed under division (B) (1) (b) of that 31458
section. 31459

Sec. 3314.027. Notwithstanding the requirement for initial 31460
approval of sponsorship by the department of education and 31461
workforce prescribed in divisions (A) (2) and (B) (1) of section 31462
3314.015 of the Revised Code and any geographical restriction or 31463

mission requirement prescribed in division (C) (1) of section 31464
3314.02 of the Revised Code, an entity that has entered into a 31465
contract to sponsor a community school on April 8, 2003, may 31466
continue to sponsor the school in conformance with the terms of 31467
that contract and also may enter into new contracts to sponsor 31468
community schools after April 8, 2003, as long as the contracts 31469
conform to and the entity complies with all other provisions of 31470
this chapter. 31471

Regardless of the entity's authority to sponsor community 31472
schools without the initial approval of the department, each 31473
entity described in this section is under the continuing 31474
oversight of the department in accordance with rules adopted 31475
under section 3314.015 of the Revised Code. 31476

If an entity to which this section applies receives a 31477
rating below "effective" under division (B) of section 3314.016 31478
of the Revised Code for two or more consecutive years, that 31479
entity shall receive approval from the department of education 31480
and workforce to sponsor community schools and enter into a 31481
written agreement with the department in accordance with 31482
division (B) (1) of section 3314.015 of the Revised Code prior to 31483
entering into any further preliminary agreements under division 31484
(C) (2) of section 3314.02 of the Revised Code or renewing any 31485
existing contract to sponsor a community school. 31486

Sec. 3314.029. This section establishes the Ohio school 31487
sponsorship program. The department of education and workforce 31488
shall establish an office of Ohio school sponsorship to perform 31489
the department's duties prescribed by this section. 31490

(A) (1) Notwithstanding anything to the contrary in this 31491
chapter, any person, group of individuals, or entity may apply 31492
to the department for direct authorization to establish a 31493

community school and, upon approval of the application, may 31494
establish the school. Notwithstanding anything to the contrary 31495
in this chapter, the governing authority of an existing 31496
community school, upon the expiration or termination of its 31497
contract with the school's sponsor entered into under section 31498
3314.03 of the Revised Code, may apply to the department for 31499
direct authorization to continue operating the school and, upon 31500
approval of the application, may continue to operate the school. 31501
The department may establish a format and deadlines for an 31502
application. 31503

Each application submitted to the department shall include 31504
the following: 31505

(a) Evidence that the applicant will be able to comply 31506
with division (C) of this section; 31507

(b) A statement indicating that the applicant agrees to 31508
comply with all applicable provisions of this chapter, including 31509
the requirement to be established as a nonprofit corporation or 31510
public benefit corporation in accordance with division (A)(1) of 31511
section 3314.03 of the Revised Code; 31512

(c) A statement attesting that no unresolved finding of 31513
recovery has been issued by the auditor of state against any 31514
person, group of individuals, or entity that is a party to the 31515
application and that no person who is party to the application 31516
has been a member of the governing authority of any community 31517
school that has permanently closed and against which an 31518
unresolved finding of recovery has been issued by the auditor of 31519
state. In the case of an application submitted by the governing 31520
authority of an existing community school, a person who is party 31521
to the application shall include each individual member of that 31522
governing authority. 31523

(d) A statement that 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;

(e) A statement of 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. If it is a converted public school or service center building, the statement shall include a 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.

(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code;

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to

attract, the ages and grade levels of students, and the focus of the curriculum; 31553
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(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code; 31555
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(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A) (5) and (6) of section 3314.03 of the Revised Code; 31558
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(iv) The school's business plan, including a five-year financial forecast; 31561
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(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 31563
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(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 31566
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(vii) The facilities to be used by the school and their locations; 31570
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code. 31572
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(2) Subject to division (A) (3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity 31578
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requirements, financial constraints, or any other criteria it 31581
determines necessary and appropriate. ~~The department shall adopt~~ 31582
~~the criteria not later than sixty days after the effective date~~ 31583
~~of this amendment.~~ The department shall assign each applicant 31584
school a rating established for a new start-up community school 31585
or an existing community school, as applicable. 31586

~~The department of education~~ shall annually publish on its 31587
web site the criteria it uses to approve or deny an application 31588
submitted pursuant to this section. 31589

(3) For each of five school years, beginning with the 31590
school year that begins in the calendar year in which this 31591
section takes effect, the department may approve up to twenty 31592
applications for community schools to be established or to 31593
continue operation under division (A) of this section; however, 31594
of the twenty applications that may be approved each school 31595
year, only up to five may be for the establishment of new 31596
schools. 31597

(4) Notwithstanding division (A) (2) of this section, the 31598
department may deny an application submitted by the governing 31599
authority of an existing community school, if a previous sponsor 31600
of that school did not renew its contract or terminated its 31601
contract with the school entered into under section 3314.03 of 31602
the Revised Code. 31603

(5) In the case of a proposed new community school to be 31604
located in an alliance municipal school district, the department 31605
shall not approve the application of that community school 31606
unless both of the following apply: 31607

(a) The department approves the application using the 31608
requirements of divisions (A) (1) (a) to (h) of this section and 31609

the criteria developed under division (A) (2) of this section. 31610

(b) The department has determined that the applicant has 31611
requested and received a recommendation from the alliance in the 31612
manner prescribed by divisions (E) (1) and (2) of section 3311.86 31613
of the Revised Code. 31614

As used in this section, "alliance municipal school 31615
district" and "alliance" have the same meanings as in section 31616
3311.86 of the Revised Code. 31617

(B) The department and the governing authority of each 31618
community school authorized under this section shall enter into 31619
a contract under section 3314.03 of the Revised Code. 31620
Notwithstanding division (A) (13) of that section, the contract 31621
with an existing community school may begin at any time during 31622
the academic year. The length of the initial contract of any 31623
community school under this section may be for any term up to 31624
five years. The contract may be renewed in accordance with 31625
division (E) of that section. The contract may provide for the 31626
school's governing authority to pay a fee for oversight and 31627
monitoring of the school that does not exceed three per cent of 31628
the total amount of payments for operating expenses that the 31629
school receives from the state. 31630

(C) The department may require a community school 31631
authorized under this section to post and file with the 31632
~~superintendent of public instruction~~ director of education and 31633
workforce a bond payable to the state or to file with the ~~state~~ 31634
~~superintendent~~ director a guarantee, which shall be used to pay 31635
the state any moneys owed by the community school in the event 31636
the school closes. 31637

(D) Except as otherwise provided in this section, a 31638

community school authorized under this section shall comply with 31639
all applicable provisions of this chapter. The department may 31640
take any action that a sponsor may take under this chapter to 31641
enforce the school's compliance with this division and the terms 31642
of the contract entered into under division (B) of this section. 31643

(E) Not later than December 31, 2012, and annually 31644
thereafter, the department shall issue a report on the program, 31645
including information about the number of community schools 31646
participating in the program and their compliance with the 31647
provisions of this chapter. In its fifth report, the department 31648
shall include a complete evaluation of the program and 31649
recommendations regarding the program's continuation. Each 31650
report shall be provided to the general assembly, in accordance 31651
with section 101.68 of the Revised Code, and to the governor. 31652

Sec. 3314.0211. (A) No community school to which either of 31653
the following applies shall be eligible to merge with one or 31654
more other community schools under this section: 31655

(1) The school has met the performance criteria for 31656
required closure specified in division (A) of section 3314.35 or 31657
division (A) of section 3314.351 of the Revised Code for at 31658
least one of the two most recent school years. 31659

(2) The school has been notified of the sponsor's intent 31660
to terminate or not renew the school's contract pursuant to 31661
section 3314.07 of the Revised Code. 31662

(B) Two or more community schools may merge upon the 31663
adoption of a resolution by the governing authority of each 31664
school involved in the merger. Any merger shall take effect on 31665
the first day of July of the year specified in the resolution. 31666

(C) Not less than sixty days prior to the effective date 31667

of a merger under division (B) of this section, each community school involved in the merger shall do both of the following:

(1) Provide a copy of the resolution to the school's sponsor;

(2) Notify the department of education and workforce of all of the following:

(a) The impending merger;

(b) The effective date of the merger;

(c) The school that will be designated as the surviving school in accordance with section 1702.41 of the Revised Code;

(d) The entity that will sponsor the surviving school.

(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.

(E) No sponsor shall do either of the following:

(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;

(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.

Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.

(F) (1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the

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surviving community school. 31695

(2) Notwithstanding anything to the contrary in division 31696
(B) of section 3314.012 of the Revised Code, all report card 31697
ratings associated with the surviving school, whether issued 31698
before or after the merger, shall be used for purposes of 31699
section 3314.35 or 3314.351 of the Revised Code and any other 31700
matter that is based on report card ratings or measures. 31701

(G) Nothing in this section shall exempt a community 31702
school from closure under section 3314.35 or 3314.351 of the 31703
Revised Code. 31704

Sec. 3314.03. A copy of every contract entered into under 31705
this section shall be filed with the ~~superintendent~~ director of 31706
~~public instruction~~ education and workforce. The department of 31707
education and workforce shall make available on its web site a 31708
copy of every approved, executed contract filed with the 31709
~~superintendent~~ director under this section. 31710

(A) Each contract entered into between a sponsor and the 31711
governing authority of a community school shall specify the 31712
following: 31713

(1) That the school shall be established as either of the 31714
following: 31715

(a) A nonprofit corporation established under Chapter 31716
1702. of the Revised Code, if established prior to April 8, 31717
2003; 31718

(b) A public benefit corporation established under Chapter 31719
1702. of the Revised Code, if established after April 8, 2003. 31720

(2) The education program of the school, including the 31721
school's mission, the characteristics of the students the school 31722

is expected to attract, the ages and grades of students, and the focus of the curriculum; 31723
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 31725
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(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 31729
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 31733
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(6) (a) Dismissal procedures; 31736

(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. 31737
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 31743
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(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. 31745
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	31751 31752
(a) A detailed description of each facility used for instructional purposes;	31753 31754
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	31755 31756
(c) The annual mortgage principal and interest payments that are paid by the school;	31757 31758
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	31759 31760 31761
(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.	31762 31763 31764 31765 31766 31767
(11) That the school will comply with the following requirements:	31768 31769
(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.	31770 31771 31772
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	31773 31774 31775
(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	31776 31777 31778

religious institution. 31779

(d) The school will comply with sections 9.90, 9.91, 31780
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 31781
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 31782
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 31783
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 31784
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 31785
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 31786
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 31787
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31788
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 31789
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 31790
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 31791
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 31792
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 31793
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 31794
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 31795
and 4167. of the Revised Code as if it were a school district 31796
and will comply with section 3301.0714 of the Revised Code in 31797
the manner specified in section 3314.17 of the Revised Code. 31798

(e) The school shall comply with Chapter 102. and section 31799
2921.42 of the Revised Code. 31800

(f) The school will comply with sections 3313.61, 31801
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 31802
Revised Code, except that for students who enter ninth grade for 31803
the first time before July 1, 2010, the requirement in sections 31804
3313.61 and 3313.611 of the Revised Code that a person must 31805
successfully complete the curriculum in any high school prior to 31806
receiving a high school diploma may be met by completing the 31807
curriculum adopted by the governing authority of the community 31808

school rather than the curriculum specified in Title XXXIII of 31809
the Revised Code or any rules of the ~~state board of education~~ 31810
department. Beginning with students who enter ninth grade for 31811
the first time on or after July 1, 2010, the requirement in 31812
sections 3313.61 and 3313.611 of the Revised Code that a person 31813
must successfully complete the curriculum of a high school prior 31814
to receiving a high school diploma shall be met by completing 31815
the requirements prescribed in section 3313.6027 and division 31816
(C) of section 3313.603 of the Revised Code, unless the person 31817
qualifies under division (D) or (F) of that section. Each school 31818
shall comply with the plan for awarding high school credit based 31819
on demonstration of subject area competency, and beginning with 31820
the 2017-2018 school year, with the updated plan that permits 31821
students enrolled in seventh and eighth grade to meet curriculum 31822
requirements based on subject area competency adopted by the 31823
~~state board of education department~~ under divisions (J) (1) and 31824
(2) of section 3313.603 of the Revised Code. Beginning with the 31825
2018-2019 school year, the school shall comply with the 31826
framework for granting units of high school credit to students 31827
who demonstrate subject area competency through work-based 31828
learning experiences, internships, or cooperative education 31829
developed by the department under division (J) (3) of section 31830
3313.603 of the Revised Code. 31831

(g) The school governing authority will submit within four 31832
months after the end of each school year a report of its 31833
activities and progress in meeting the goals and standards of 31834
divisions (A) (3) and (4) of this section and its financial 31835
status to the sponsor and the parents of all students enrolled 31836
in the school. 31837

(h) The school, unless it is an internet- or computer- 31838
based community school, will comply with section 3313.801 of the 31839

Revised Code as if it were a school district. 31840

(i) If the school is the recipient of moneys from a grant 31841
awarded under the federal race to the top program, Division (A), 31842
Title XIV, Sections 14005 and 14006 of the "American Recovery 31843
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 31844
the school will pay teachers based upon performance in 31845
accordance with section 3317.141 and will comply with section 31846
3319.111 of the Revised Code as if it were a school district. 31847

(j) If the school operates a preschool program that is 31848
licensed by the department ~~of education~~ under sections 3301.52 31849
to 3301.59 of the Revised Code, the school shall comply with 31850
sections 3301.50 to 3301.59 of the Revised Code and the minimum 31851
standards for preschool programs prescribed in rules adopted by 31852
the ~~state board~~ department under section 3301.53 of the Revised 31853
Code. 31854

(k) The school will comply with sections 3313.6021 and 31855
3313.6023 of the Revised Code as if it were a school district 31856
unless it is either of the following: 31857

(i) An internet- or computer-based community school; 31858

(ii) A community school in which a majority of the 31859
enrolled students are children with disabilities as described in 31860
division (A) (4) (b) of section 3314.35 of the Revised Code. 31861

(l) The school will comply with section 3321.191 of the 31862
Revised Code, unless it is an internet- or computer-based 31863
community school that is subject to section 3314.261 of the 31864
Revised Code. 31865

(12) Arrangements for providing health and other benefits 31866
to employees; 31867

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department ~~of education~~ to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department ~~of education~~ as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety

of the school's students and employees and the sponsor refuses 31925
to take such action. 31926

(23) A description of the learning opportunities that will 31927
be offered to students including both classroom-based and non- 31928
classroom-based learning opportunities that is in compliance 31929
with criteria for student participation established by the 31930
department under division (H) (2) of section 3314.08 of the 31931
Revised Code; 31932

(24) The school will comply with sections 3302.04 and 31933
3302.041 of the Revised Code, except that any action required to 31934
be taken by a school district pursuant to those sections shall 31935
be taken by the sponsor of the school. ~~However, the sponsor~~ 31936
~~shall not be required to take any action described in division~~ 31937
~~(F) of section 3302.04 of the Revised Code.~~ 31938

(25) Beginning in the 2006-2007 school year, the school 31939
will open for operation not later than the thirtieth day of 31940
September each school year, unless the mission of the school as 31941
specified under division (A) (2) of this section is solely to 31942
serve dropouts. In its initial year of operation, if the school 31943
fails to open by the thirtieth day of September, or within one 31944
year after the adoption of the contract pursuant to division (D) 31945
of section 3314.02 of the Revised Code if the mission of the 31946
school is solely to serve dropouts, the contract shall be void. 31947

(26) Whether the school's governing authority is planning 31948
to seek designation for the school as a STEM school equivalent 31949
under section 3326.032 of the Revised Code; 31950

(27) That the school's attendance and participation 31951
policies will be available for public inspection; 31952

(28) That the school's attendance and participation 31953

records shall be made available to the department ~~of education~~, 31954
auditor of state, and school's sponsor to the extent permitted 31955
under and in accordance with the "Family Educational Rights and 31956
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 31957
and any regulations promulgated under that act, and section 31958
3319.321 of the Revised Code; 31959

(29) If a school operates using the blended learning 31960
model, as defined in section 3301.079 of the Revised Code, all 31961
of the following information: 31962

(a) An indication of what blended learning model or models 31963
will be used; 31964

(b) A description of how student instructional needs will 31965
be determined and documented; 31966

(c) The method to be used for determining competency, 31967
granting credit, and promoting students to a higher grade level; 31968

(d) The school's attendance requirements, including how 31969
the school will document participation in learning 31970
opportunities; 31971

(e) A statement describing how student progress will be 31972
monitored; 31973

(f) A statement describing how private student data will 31974
be protected; 31975

(g) A description of the professional development 31976
activities that will be offered to teachers. 31977

(30) A provision requiring that all moneys the school's 31978
operator loans to the school, including facilities loans or cash 31979
flow assistance, must be accounted for, documented, and bear 31980
interest at a fair market rate; 31981

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 32010
regarding internal financial controls adopted by the governing 32011
authority of the school. 32012

(C) A contract entered into under section 3314.02 of the 32013
Revised Code between a sponsor and the governing authority of a 32014
community school may provide for the community school governing 32015
authority to make payments to the sponsor, which is hereby 32016
authorized to receive such payments as set forth in the contract 32017
between the governing authority and the sponsor. The total 32018
amount of such payments for monitoring, oversight, and technical 32019
assistance of the school shall not exceed three per cent of the 32020
total amount of payments for operating expenses that the school 32021
receives from the state. 32022

(D) The contract shall specify the duties of the sponsor 32023
which shall be in accordance with the written agreement entered 32024
into with the department ~~of education~~ under division (B) of 32025
section 3314.015 of the Revised Code and shall include the 32026
following: 32027

(1) Monitor the community school's compliance with all 32028
laws applicable to the school and with the terms of the 32029
contract; 32030

(2) Monitor and evaluate the academic and fiscal 32031
performance and the organization and operation of the community 32032
school on at least an annual basis; 32033

(3) Report on an annual basis the results of the 32034
evaluation conducted under division (D) (2) of this section to 32035
the department ~~of education~~ and to the parents of students 32036
enrolled in the community school; 32037

(4) Provide technical assistance to the community school 32038

in complying with laws applicable to the school and terms of the contract; 32039
32040

(5) Take steps to intervene in the school's operation to 32041
correct problems in the school's overall performance, declare 32042
the school to be on probationary status pursuant to section 32043
3314.073 of the Revised Code, suspend the operation of the 32044
school pursuant to section 3314.072 of the Revised Code, or 32045
terminate the contract of the school pursuant to section 3314.07 32046
of the Revised Code as determined necessary by the sponsor; 32047

(6) Have in place a plan of action to be undertaken in the 32048
event the community school experiences financial difficulties or 32049
closes prior to the end of a school year. 32050

(E) Upon the expiration of a contract entered into under 32051
this section, the sponsor of a community school may, with the 32052
approval of the governing authority of the school, renew that 32053
contract for a period of time determined by the sponsor, but not 32054
ending earlier than the end of any school year, if the sponsor 32055
finds that the school's compliance with applicable laws and 32056
terms of the contract and the school's progress in meeting the 32057
academic goals prescribed in the contract have been 32058
satisfactory. Any contract that is renewed under this division 32059
remains subject to the provisions of sections 3314.07, 3314.072, 32060
and 3314.073 of the Revised Code. 32061

(F) If a community school fails to open for operation 32062
within one year after the contract entered into under this 32063
section is adopted pursuant to division (D) of section 3314.02 32064
of the Revised Code or permanently closes prior to the 32065
expiration of the contract, the contract shall be void and the 32066
school shall not enter into a contract with any other sponsor. A 32067
school shall not be considered permanently closed because the 32068

operations of the school have been suspended pursuant to section 32069
3314.072 of the Revised Code. 32070

Sec. 3314.032. (A) On and after the effective date of this 32071
section, any new or renewed contract between the governing 32072
authority of a community school and an operator shall include at 32073
least the following: 32074

(1) Criteria to be used for early termination of the 32075
operator contract; 32076

(2) Required notification procedures and timeline for 32077
early termination or nonrenewal of the operator contract; 32078

(3) A stipulation of which entity owns all community 32079
school facilities and property including, but not limited to, 32080
equipment, furniture, fixtures, instructional materials and 32081
supplies, computers, printers, and other digital devices 32082
purchased by the governing authority or operator. Any 32083
stipulation regarding property ownership shall comply with the 32084
requirements of section 3314.0210 of the Revised Code. 32085

(B) (1) The operator with which the governing authority of 32086
a community school contracts for services shall not lease any 32087
parcel of real property to that community school until an 32088
independent professional in the real estate field verifies via 32089
addendum that at the time the lease was agreed to, the lease was 32090
commercially reasonable. 32091

(2) The independent professional described in division (B) 32092
(1) of this section shall be immune from civil liability for any 32093
decision rendered pursuant to this section. 32094

(C) Beginning with the 2016-2017 school year, the 32095
governing authority of a community school, with the assistance 32096
of the school's designated fiscal officer, shall adopt an annual 32097

budget by the thirty-first day of October of each year.	32098
Not later than ninety days after the effective date of	32099
this section, the <u>The department of education and workforce</u>	32100
shall develop a format for annual budgets of community schools.	32101
The format shall prescribe inclusion of the following	32102
information in a school's budget:	32103
(1) Administrative costs for the community school as a	32104
whole;	32105
(2) Instructional services costs for each category of	32106
service provided directly to students, compiled and reported in	32107
terms of average expenditure per pupil receiving the service;	32108
(3) The cost of instructional support services, such as	32109
services provided by a speech-language pathologist, classroom	32110
aide, multimedia aide, or librarian, provided directly to	32111
students;	32112
(4) The cost of administrative support services, such as	32113
the cost of personnel that develop the curriculum and the cost	32114
of personnel supervising or coordinating the delivery of the	32115
instructional services;	32116
(5) The cost of support or extracurricular services costs	32117
for services directly provided to students;	32118
(6) The cost of services provided directly to students by	32119
a nonlicensed employee related to support or extracurricular	32120
services, such as janitorial services, cafeteria services, or	32121
services of a sports trainer;	32122
(7) The cost of administrative services related to support	32123
or extracurricular services, such as the cost of any licensed or	32124
unlicensed employees that develop, supervise, coordinate, or	32125

otherwise are involved in administrating or aiding the delivery 32126
of services. 32127

(D) The governing authority of a community school shall be 32128
the sole entity responsible for the adoption of the school's 32129
annual budget, but the governing authority shall adopt such 32130
budget with the assistance of the school's designated fiscal 32131
officer. 32132

Sec. 3314.034. (A) Subject to division (B) of this 32133
section, any community school to which either of the following 32134
conditions apply shall be prohibited from entering into a 32135
contract with a new sponsor: 32136

(1) The community school has received, on the most recent 32137
report card issued for that school under section 3302.03 of the 32138
Revised Code, either of the following: 32139

(a) A grade of "D" or "F" for the performance index score, 32140
under division (C) (1) (b) of section 3302.03 of the Revised Code, 32141
and an overall grade of "D" or "F" for the value-added progress 32142
dimension or another measure of student academic progress if 32143
adopted by the ~~state board~~ department of education and 32144
workforce, under division (C) (1) (e) of that section; 32145

(b) A performance rating of less than three stars for 32146
achievement under division (D) (3) (b) of section 3302.03 of the 32147
Revised Code and a performance rating of less than three stars 32148
for progress under division (D) (3) (c) of that section. 32149

(2) The community school is one in which a majority of the 32150
students are enrolled in a dropout prevention and recovery 32151
program, and it has received a rating of "does not meet 32152
standards" for the annual student growth measure and combined 32153
graduation rates on the most recent report card issued for the 32154

school under section 3314.017 of the Revised Code. 32155

(B) A community school to which division (A) of this 32156
section applies may enter into a contract with a new sponsor if 32157
all of the following conditions are satisfied: 32158

(1) The proposed sponsor received a rating of "effective" 32159
or higher pursuant to division (B) (6) of section 3314.016 of the 32160
Revised Code on its most recent evaluation conducted according 32161
to that section, or the proposed sponsor is the office of Ohio 32162
school sponsorship established in section 3314.029 of the 32163
Revised Code. 32164

(2) The community school submits a request to enter into a 32165
new contract with a sponsor. 32166

(3) The community school has not submitted a prior request 32167
that was granted. 32168

(4) The department grants the school's request pursuant to 32169
division (C) of this section. 32170

(C) A school shall submit a request to change sponsors 32171
under this section not later than on the fifteenth day of 32172
February of the year in which the school wishes to do so. The 32173
department shall grant or deny the request not later than thirty 32174
days after the department receives it. If the department denies 32175
the request, the community school may submit an appeal to the 32176
~~state board of education, which~~ director of education and 32177
workforce who shall hold a hearing in accordance with Chapter 32178
119. of the Revised Code. The community school shall file its 32179
notice of appeal to the ~~state board~~ director not later than ten 32180
days after receiving the decision from the department. The ~~state~~ 32181
~~board~~ director shall conduct the hearing not later than thirty 32182
days after receiving the school's notice of appeal and act upon 32183

the determination of the hearing officer not later than the 32184
twenty-fifth day of June of the year in which the school wishes 32185
to change sponsors. 32186

(D) Factors to be considered during a hearing held 32187
pursuant to division (C) of this section include, but are not 32188
limited to, the following: 32189

(1) The school's impact on the students and the community 32190
or communities it serves; 32191

(2) The quality and quantity of academic and 32192
administrative support the school receives from its current 32193
sponsor to help the school to improve; 32194

(3) The sponsor's annual evaluations of the community 32195
school under division (D) (2) of section 3314.03 of the Revised 32196
Code for the previous three years; 32197

(4) The academic performance of the school, taking into 32198
account the demographic information of the students enrolled in 32199
the school; 32200

(5) The academic performance of alternative schools that 32201
serve comparable populations of students as those served by the 32202
community school; 32203

(6) The fiscal stability of the school; 32204

(7) The results of any audits of the school by the auditor 32205
of state; 32206

(8) The length of time the school has been under the 32207
oversight of its current sponsor; 32208

(9) The number of times the school has changed sponsors 32209
prior to the current request; 32210

(10) Parent and student satisfaction rates as demonstrated 32211
by surveys, if available. 32212

Sec. 3314.035. Each community school shall post on the 32213
school's web site the name of each member of the school's 32214
governing authority. Each community school also shall provide, 32215
upon request, the name and address of each member of the 32216
governing authority to the sponsor of the school and the 32217
department of education and workforce. 32218

Sec. 3314.038. Each community school shall annually submit 32219
to the department of education and workforce and auditor of 32220
state a report of each instance under which a student who is 32221
enrolled in that community school resides in a children's 32222
residential center as defined under section 5103.05 of the 32223
Revised Code. 32224

Sec. 3314.039. The department of education and workforce 32225
shall compile and publish the following information, for each 32226
year since the 2010-2011 school year, in a simple, easily 32227
accessible location on its web site: 32228

(A) A single document identifying each community school 32229
that has closed during each year and the reason for the closure 32230
of each school; 32231

(B) A single document for each entity that submitted an 32232
application to sponsor schools that contains the following, 32233
where applicable: 32234

(1) The entity's application and most recent evaluation; 32235

(2) A designation of whether the entity's application was 32236
approved or denied; 32237

(3) All documentation used in determining whether to 32238

approve or deny the entity's application;	32239
(4) A short statement describing the rationale used in approving or denying the entity's application.	32240 32241
(C) A single document containing the following information:	32242 32243
(1) A list of all sponsor ratings for each school year for which ratings are available;	32244 32245
(2) A list of each sponsor that is prohibited, as of the thirty-first day of December of each school year, from sponsoring new schools;	32246 32247 32248
(3) A list of each sponsor that sponsors or has sponsored a school that is or was subject to closure, and the reason for that closure.	32249 32250 32251
(D) The department shall update the document required pursuant to division (A) of this section on an annual basis.	32252 32253
Sec. 3314.041. The governing authority of each community school and any operator of such school shall distribute to parents of students of the school upon their enrollment in the school the following statement in writing:	32254 32255 32256 32257
"The _____ (here fill in name of the school) school is a community school established under Chapter 3314. of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the school that are prescribed by law. Students who have been excused from the compulsory attendance law for the purpose of home education as defined by the Administrative Code shall no	32258 32259 32260 32261 32262 32263 32264 32265 32266

longer be excused for that purpose upon their enrollment in a 32267
community school. For more information about this matter contact 32268
the school administration or the Ohio Department of Education 32269
and Workforce." 32270

Sec. 3314.05. (A) The contract between the community 32271
school and the sponsor shall specify the facilities to be used 32272
for the community school and the method of acquisition. Except 32273
as provided in divisions (B) (3) and (4) of this section, no 32274
community school shall be established in more than one school 32275
district under the same contract. 32276

(B) Division (B) of this section shall not apply to 32277
internet- or computer-based community schools. 32278

(1) A community school may be located in multiple 32279
facilities under the same contract only if the limitations on 32280
availability of space prohibit serving all the grade levels 32281
specified in the contract in a single facility or division (B) 32282
(2), (3), or (4) of this section applies to the school. The 32283
school shall not offer the same grade level classrooms in more 32284
than one facility. 32285

(2) A community school may be located in multiple 32286
facilities under the same contract and, notwithstanding division 32287
(B) (1) of this section, may assign students in the same grade 32288
level to multiple facilities, as long as all of the following 32289
apply: 32290

(a) The governing authority has entered into and maintains 32291
a contract with an operator of the type described in division 32292
(A) (8) (b) of section 3314.02 of the Revised Code. 32293

(b) The contract with that operator qualified the school 32294
to be established pursuant to division (A) of former section 32295

3314.016 of the Revised Code. 32296

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years: 32297
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(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 32300
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(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code; 32303
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(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code; 32311
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(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code. 32316
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(3) On and after ~~the effective date of this amendment~~ September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both 32321
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of the following apply: 32325

(a) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and 32326
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(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 32330
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(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply: 32333
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(a) The facilities are all located in the same county. 32338

(b) Either of the following conditions are satisfied: 32339

(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; 32340
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(ii) The community school is managed by an operator. 32344

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 32345
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department of that designation. 32353

(5) Any facility used for a community school shall meet 32354
all health and safety standards established by law for school 32355
buildings. 32356

(C) In the case where a community school is proposed to be 32357
located in a facility owned by a school district or educational 32358
service center, the facility may not be used for such community 32359
school unless the district or service center board owning the 32360
facility enters into an agreement for the community school to 32361
utilize the facility. Use of the facility may be under any terms 32362
and conditions agreed to by the district or service center board 32363
and the school. 32364

(D) Two or more separate community schools may be located 32365
in the same facility. 32366

(E) In the case of a community school that is located in 32367
multiple facilities, beginning July 1, 2012, the department 32368
shall assign a unique identification number to the school and to 32369
each facility maintained by the school. Each number shall be 32370
used for identification purposes only. Nothing in this division 32371
shall be construed to require the department to calculate the 32372
amount of funds paid under this chapter, or to compute any data 32373
required for the report cards issued under section 3314.012 of 32374
the Revised Code, for each facility separately. The department 32375
shall make all such calculations or computations for the school 32376
as a whole. 32377

(F) (1) In the case of a community school that exists prior 32378
to ~~the effective date of this amendment~~ September 30, 2021, to 32379
which division (B) (3) of this section applies, if only one of 32380
the school districts in which the school is established was 32381

located in a challenged school district prior to ~~the effective-~~ 32382
~~date of this amendment~~September 30, 2021, that district 32383
continues to be considered the school's primary location and the 32384
district in which the school is located for the purposes of 32385
division (A) (19) of section 3314.03 and divisions (C) and (H) of 32386
section 3314.06 of the Revised Code and for all other purposes 32387
of this chapter unless and until the school's governing 32388
authority designates a different school district as the school's 32389
primary location in accordance with division (F) (2) of this 32390
section. If both of the school districts in which the school is 32391
established were challenged school districts on that date, and 32392
the primary location was already designated by the school's 32393
governing authority pursuant to the requirements of this section 32394
as it existed prior to ~~the effective date of this-~~ 32395
~~amendment~~September 30, 2021, that designation remains unless and 32396
until the school's governing authority designates a different 32397
primary location. 32398

(2) (a) On and after ~~the effective date of this-~~ 32399
~~amendment~~September 30, 2021, when a new start-up community 32400
school is established in two school districts under the same 32401
contract, the school's governing authority shall designate one 32402
of those districts to be considered the school's primary 32403
location and the district in which the school is located for the 32404
purposes of division (A) (19) of section 3314.03 and divisions 32405
(C) and (H) of section 3314.06 of the Revised Code and for all 32406
other purposes of this chapter and shall notify the department 32407
of education and workforce of that designation. 32408

(b) A community school governing authority that elects to 32409
modify a community school's primary location, whether in 32410
accordance with division (F) (1) of this section or otherwise, 32411
shall notify the department of that modification. 32412

Sec. 3314.06. The governing authority of each community 32413
school established under this chapter shall adopt admission 32414
procedures that specify the following: 32415

(A) That, except as otherwise provided in this section, 32416
admission to the school shall be open to any individual age five 32417
to twenty-two entitled to attend school pursuant to section 32418
3313.64 or 3313.65 of the Revised Code in a school district in 32419
the state. 32420

Additionally, except as otherwise provided in this 32421
section, admission to the school may be open on a tuition basis 32422
to any individual age five to twenty-two who is not a resident 32423
of this state. The school shall not receive state funds under 32424
section 3317.022 of the Revised Code for any student who is not 32425
a resident of this state. 32426

An individual younger than five years of age may be 32427
admitted to the school in accordance with division (A)(2) of 32428
section 3321.01 of the Revised Code. The school shall receive 32429
funds for an individual admitted under that division in the 32430
manner provided under section 3317.022 of the Revised Code. 32431

If the school operates a program that uses the Montessori 32432
method endorsed by the American Montessori society, the 32433
Montessori accreditation council for teacher education, or the 32434
association Montessori internationale as its primary method of 32435
instruction, admission to the school may be open to individuals 32436
younger than five years of age but the school shall not receive 32437
funds under section 3317.022 of the Revised Code for those 32438
individuals. Notwithstanding anything to the contrary in this 32439
chapter, individuals younger than five years of age who are 32440
enrolled in a Montessori program shall be offered at least four 32441
hundred fifty-five hours of learning opportunities per school 32442

year. 32443

If the school operates a preschool program that is 32444
licensed by the department of education and workforce under 32445
sections 3301.52 to 3301.59 of the Revised Code, admission to 32446
the school may be open to individuals who are younger than five 32447
years of age, but the school shall not receive funds under this 32448
chapter for those individuals. 32449

(B) (1) That admission to the school may be limited to 32450
students who have attained a specific grade level or are within 32451
a specific age group; to students that meet a definition of "at- 32452
risk," as defined in the contract; to residents of a specific 32453
geographic area within the district, as defined in the contract; 32454
or to separate groups of autistic students and nondisabled 32455
students, as authorized in section 3314.061 of the Revised Code 32456
and as defined in the contract. 32457

(2) For purposes of division (B) (1) of this section, "at- 32458
risk" students may include those students identified as gifted 32459
students under section 3324.03 of the Revised Code. 32460

(C) Whether enrollment is limited to students who reside 32461
in the district in which the school is located or is open to 32462
residents of other districts, as provided in the policy adopted 32463
pursuant to the contract. 32464

(D) (1) That there will be no discrimination in the 32465
admission of students to the school on the basis of race, creed, 32466
color, disability, or sex except that: 32467

(a) The governing authority may do either of the following 32468
for the purpose described in division (G) of this section: 32469

(i) Establish a single-gender school for either sex; 32470

(ii) Establish single-gender schools for each sex under 32471
the same contract, provided substantially equal facilities and 32472
learning opportunities are offered for both boys and girls. Such 32473
facilities and opportunities may be offered for each sex at 32474
separate locations. 32475

(b) The governing authority may establish a school that 32476
simultaneously serves a group of students identified as autistic 32477
and a group of students who are not disabled, as authorized in 32478
section 3314.061 of the Revised Code. However, unless the total 32479
capacity established for the school has been filled, no student 32480
with any disability shall be denied admission on the basis of 32481
that disability. 32482

(2) That upon admission of any student with a disability, 32483
the community school will comply with all federal and state laws 32484
regarding the education of students with disabilities. 32485

(E) That the school may not limit admission to students on 32486
the basis of intellectual ability, measures of achievement or 32487
aptitude, or athletic ability, except that a school may limit 32488
its enrollment to students as described in division (B) of this 32489
section. 32490

(F) That the community school will admit the number of 32491
students that does not exceed the capacity of the school's 32492
programs, classes, grade levels, or facilities. 32493

(G) That the purpose of single-gender schools that are 32494
established shall be to take advantage of the academic benefits 32495
some students realize from single-gender instruction and 32496
facilities and to offer students and parents residing in the 32497
district the option of a single-gender education. 32498

(H) That, except as otherwise provided under division (B) 32499

of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.072. The provisions of this section are enacted to promote the public health, safety, and welfare by establishing procedures under which the governing authorities of community schools established under this chapter will be held accountable for their compliance with the terms of the contracts they enter into with their school's sponsors and the law relating to the school's operation. Suspension of the operation of a school imposed under this section is intended to encourage the governing authority's compliance with the terms of the school's contract and the law and is not intended to be an alteration of the terms of that contract.

(A) If a sponsor of a community school established under this chapter suspends the operation of that school pursuant to

procedures set forth in this section, the governing authority 32530
shall not operate that school while the suspension is in effect. 32531
Any such suspension shall remain in effect until the sponsor 32532
notifies the governing authority that it is no longer in effect. 32533
The contract of a school of which operation is suspended under 32534
this section also may be subject to termination or nonrenewal 32535
under section 3314.07 of the Revised Code. 32536

(B) If at any time conditions at the school do not comply 32537
with a health and safety standard established by law for school 32538
buildings, the sponsor shall immediately suspend the operation 32539
of the school pursuant to procedures set forth in division (D) 32540
of this section. If the sponsor fails to take action to suspend 32541
the operation of a school to which this division applies, the 32542
department of education and workforce may take such action. 32543

(C) (1) For any of the reasons prescribed in ~~division~~ 32544
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 32545
Code, the sponsor of a community school established under this 32546
chapter may suspend the operation of the school only if it first 32547
issues to the governing authority notice of the sponsor's intent 32548
to suspend the operation of the contract. Such notice shall 32549
explain the reasons for the sponsor's intent to suspend 32550
operation of the contract and shall provide the school's 32551
governing authority with five business days to submit to the 32552
sponsor a proposal to remedy the conditions cited as reasons for 32553
the suspension. 32554

(2) The sponsor shall promptly review any proposed remedy 32555
timely submitted by the governing authority and either approve 32556
or disapprove the remedy. If the sponsor disapproves the remedy 32557
proposed by the governing authority, if the governing authority 32558
fails to submit a proposed remedy in the manner prescribed by 32559

the sponsor, or if the governing authority fails to implement 32560
the remedy as approved by the sponsor, the sponsor may suspend 32561
operation of the school pursuant to procedures set forth in 32562
division (D) of this section. 32563

(D) (1) If division (B) of this section applies or if the 32564
sponsor of a community school established under this chapter 32565
decides to suspend the operation of a school as permitted in 32566
division (C) (2) of this section, the sponsor shall promptly send 32567
written notice to the governing authority stating that the 32568
operation of the school is immediately suspended, and explaining 32569
the specific reasons for the suspension. The notice shall state 32570
that the governing authority has five business days to submit a 32571
proposed remedy to the conditions cited as reasons for the 32572
suspension or face potential contract termination. 32573

(2) Upon receipt of the notice of suspension prescribed 32574
under division (D) (1) of this section, the governing authority 32575
shall immediately notify the employees of the school and the 32576
parents of the students enrolled in the school of the suspension 32577
and the reasons therefore, and shall cease all school operations 32578
on the next business day. 32579

(E) (1) Beginning with the 2013-2014 school year, if the 32580
sponsor of a community school suspends the operation of that 32581
school pursuant to procedures set forth in this section, the 32582
school's contract with the sponsor under section 3314.03 of the 32583
Revised Code shall become void, if the governing authority of 32584
the school fails to provide a proposal to remedy the conditions 32585
cited by the sponsor as reasons for the suspension, to the 32586
satisfaction of the sponsor, by the thirtieth day of September 32587
of the school year immediately following the school year in 32588
which the operation of school was suspended. 32589

(2) If, prior to ~~the effective date of this amendment~~ 32590
September 29, 2013, the sponsor of a community school has 32591
suspended the operation of the school, the contract with the 32592
sponsor under section 3314.03 of the Revised Code shall become 32593
void if the governing authority of the school fails to provide 32594
by September 30, 2014, a proposal to remedy the conditions cited 32595
by the sponsor as reasons for the suspension, to the 32596
satisfaction of the sponsor. 32597

Sec. 3314.074. Divisions (A) and (B) of this section apply 32598
only to the extent permitted under Chapter 1702. of the Revised 32599
Code. 32600

(A) If any community school established under this chapter 32601
permanently closes and ceases its operation as a community 32602
school, the assets of that school shall be distributed first to 32603
the retirement funds of employees of the school, employees of 32604
the school, and private creditors who are owed compensation, and 32605
then any remaining funds shall be paid to the department of 32606
education and workforce for redistribution to the school 32607
districts in which the students who were enrolled in the school 32608
at the time it ceased operation were entitled to attend school 32609
under section 3313.64 or 3313.65 of the Revised Code. The amount 32610
distributed to each school district shall be proportional to the 32611
district's share of the total enrollment in the community 32612
school. For any community school that closes after fiscal year 32613
2021, any remaining funds shall be paid to the department ~~of~~ 32614
~~education~~ and deposited into the state general revenue fund. 32615

(B) If a community school closes and ceases to operate as 32616
a community school and the school has received computer hardware 32617
or software from the former Ohio SchoolNet commission or the 32618
former eTech Ohio commission, such hardware or software shall be 32619

turned over to the department ~~of education~~, which shall 32620
redistribute the hardware and software, to the extent such 32621
redistribution is possible, to school districts in conformance 32622
with the provisions of the programs as they were operated and 32623
administered by the former eTech Ohio commission. 32624

(C) If the assets of the school are insufficient to pay 32625
all persons or entities to whom compensation is owed, the 32626
prioritization of the distribution of the assets to individual 32627
persons or entities within each class of payees may be 32628
determined by decree of a court in accordance with this section 32629
and Chapter 1702. of the Revised Code. 32630

(D) A community school that engages in a merger or 32631
consolidation pursuant to division (B) of section 1702.41 of the 32632
Revised Code and becomes a single public benefit corporation 32633
shall not be required to distribute assets pursuant to divisions 32634
(A), (B), and (C) of this section, provided that the governing 32635
authority of the community school created by the merger or 32636
consolidation enters into a contract for sponsorship under 32637
section 3314.03 of the Revised Code with an entity rated 32638
"effective" or higher by the department ~~of education~~ pursuant to 32639
section 3314.016 of the Revised Code. 32640

Sec. 3314.08. (A) As used in this section: 32641

(1) "IEP" has the same meaning as in section 3323.01 of 32642
the Revised Code. 32643

(2) "Resident district" means the school district in which 32644
a student is entitled to attend school under section 3313.64 or 32645
3313.65 of the Revised Code. 32646

(B) The ~~state board~~ department of education and workforce 32647
shall adopt rules requiring the governing authority of each 32648

community school established under this chapter to annually	32649
report all of the following:	32650
(1) The number of students enrolled in grades one through	32651
twelve and the full-time equivalent number of students enrolled	32652
in kindergarten in the school who are not receiving special	32653
education and related services pursuant to an IEP;	32654
(2) The number of enrolled students in grades one through	32655
twelve and the full-time equivalent number of enrolled students	32656
in kindergarten, who are receiving special education and related	32657
services pursuant to an IEP;	32658
(3) The number of students reported under division (B) (2)	32659
of this section receiving special education and related services	32660
pursuant to an IEP for a disability described in each of	32661
divisions (A) to (F) of section 3317.013 of the Revised Code;	32662
(4) The full-time equivalent number of students reported	32663
under divisions (B) (1) and (2) of this section who are enrolled	32664
in career-technical education programs or classes described in	32665
each of divisions (A) (1) to (5) of section 3317.014 of the	32666
Revised Code that are provided by the community school;	32667
(5) The number of students reported under divisions (B) (1)	32668
and (2) of this section who are not reported under division (B)	32669
(4) of this section but who are enrolled in career-technical	32670
education programs or classes described in each of divisions (A)	32671
(1) to (5) of section 3317.014 of the Revised Code at a joint	32672
vocational school district or another district in the career-	32673
technical planning district to which the school is assigned;	32674
(6) The number of students reported under divisions (B) (1)	32675
and (2) of this section who are category one to three English	32676
learners described in each of divisions (A) to (C) of section	32677

3317.016 of the Revised Code; 32678

(7) The number of students reported under divisions (B) (1) 32679
and (2) of this section who are economically disadvantaged, as 32680
defined by the department. A student shall not be categorically 32681
excluded from the number reported under division (B) (7) of this 32682
section based on anything other than family income. 32683

(8) For each student, the city, exempted village, or local 32684
school district in which the student is entitled to attend 32685
school under section 3313.64 or 3313.65 of the Revised Code. 32686

(9) The number of students enrolled in a preschool program 32687
operated by the school that is licensed by the department ~~of~~ 32688
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 32689
who are not receiving special education and related services 32690
pursuant to an IEP. 32691

A school district board and a community school governing 32692
authority shall include in their respective reports under 32693
division (B) of this section any child admitted in accordance 32694
with division (A) (2) of section 3321.01 of the Revised Code. 32695

A governing authority of a community school shall not 32696
include in its report under divisions (B) (1) to (9) of this 32697
section any student for whom tuition is charged under division 32698
(F) of this section. 32699

(C) (1) (a) If a community school's costs for a fiscal year 32700
for a student receiving special education and related services 32701
pursuant to an IEP for a disability described in divisions (B) 32702
to (F) of section 3317.013 of the Revised Code exceed the 32703
threshold catastrophic cost for serving the student as specified 32704
in division (B) of section 3317.0214 of the Revised Code, the 32705
school may submit to the ~~superintendent of public instruction~~ 32706

director of education and workforce documentation, as prescribed 32707
by the ~~superintendent~~director, of all its costs for that 32708
student. Upon submission of documentation for a student of the 32709
type and in the manner prescribed, the department shall pay to 32710
the community school an amount equal to the school's costs for 32711
the student in excess of the threshold catastrophic costs. 32712

(b) The community school shall report under division (C) 32713
(1) (a) of this section, and the department shall pay for, only 32714
the costs of educational expenses and the related services 32715
provided to the student in accordance with the student's 32716
individualized education program. Any legal fees, court costs, 32717
or other costs associated with any cause of action relating to 32718
the student may not be included in the amount. 32719

(2) In any fiscal year, a community school receiving funds 32720
under division (A) (7) of section 3317.022 of the Revised Code 32721
shall spend those funds only for the purposes that the 32722
department designates as approved for career-technical education 32723
expenses. Career-technical education expenses approved by the 32724
department shall include only expenses connected to the delivery 32725
of career-technical programming to career-technical students. 32726
The department shall require the school to report data annually 32727
so that the department may monitor the school's compliance with 32728
the requirements regarding the manner in which funding received 32729
under division (A) (7) of section 3317.022 of the Revised Code 32730
may be spent. 32731

(3) Notwithstanding anything to the contrary in section 32732
3313.90 of the Revised Code, except as provided in division (C) 32733
(5) of this section, all funds received under division (A) (7) of 32734
section 3317.022 of the Revised Code shall be spent in the 32735
following manner: 32736

(a) At least seventy-five per cent of the funds shall be 32737
spent on curriculum development, purchase, and implementation; 32738
instructional resources and supplies; industry-based program 32739
certification; student assessment, credentialing, and placement; 32740
curriculum specific equipment purchases and leases; career- 32741
technical student organization fees and expenses; home and 32742
agency linkages; work-based learning experiences; professional 32743
development; and other costs directly associated with career- 32744
technical education programs including development of new 32745
programs. 32746

(b) Not more than twenty-five per cent of the funds shall 32747
be used for personnel expenditures. 32748

(4) A community school shall spend the funds it receives 32749
under division (A) (4) of section 3317.022 of the Revised Code in 32750
accordance with section 3317.25 of the Revised Code. 32751

(5) The department may waive the requirement in division 32752
(C) (3) of this section for any community school that exclusively 32753
provides one or more career-technical workforce development 32754
programs in arts and communications that are not equipment- 32755
intensive, as determined by the department. 32756

(6) For fiscal years 2022 and 2023, a community school 32757
shall spend the funds it receives under division (A) (5) of 32758
section 3317.022 of the Revised Code only for services for 32759
English learners. 32760

(D) A board of education sponsoring a community school may 32761
utilize local funds to make enhancement grants to the school or 32762
may agree, either as part of the contract or separately, to 32763
provide any specific services to the community school at no cost 32764
to the school. 32765

(E) A community school may not levy taxes or issue bonds secured by tax revenues. 32766
32767

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state. 32768
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(G) (1) (a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 32772
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 32779
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(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. 32781
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(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: 32784
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(1) A student shall be considered enrolled in the 32795
community school for any portion of the school year the student 32796
is participating at a college under Chapter 3365. of the Revised 32797
Code. 32798

(2) A student shall be considered to be enrolled in a 32799
community school for the period of time beginning on the later 32800
of the date on which the school both has received documentation 32801
of the student's enrollment from a parent and the student has 32802
commenced participation in learning opportunities as defined in 32803
the contract with the sponsor, or thirty days prior to the date 32804
on which the student is entered into the education management 32805
information system established under section 3301.0714 of the 32806
Revised Code. For purposes of applying this division and 32807
divisions (H) (3) and (4) of this section to a community school 32808
student, "learning opportunities" shall be defined in the 32809
contract, which shall describe both classroom-based and non- 32810
classroom-based learning opportunities and shall be in 32811
compliance with criteria and documentation requirements for 32812
student participation which shall be established by the 32813
department. Any student's instruction time in non-classroom- 32814
based learning opportunities shall be certified by an employee 32815
of the community school. A student's enrollment shall be 32816
considered to cease on the date on which any of the following 32817
occur: 32818

(a) The community school receives documentation from a 32819
parent terminating enrollment of the student. 32820

(b) The community school is provided documentation of a 32821
student's enrollment in another public or private school. 32822

(c) The community school ceases to offer learning 32823
opportunities to the student pursuant to the terms of the 32824

contract with the sponsor or the operation of any provision of 32825
this chapter. 32826

Except as otherwise specified in this paragraph, beginning 32827
in the 2011-2012 school year, any student who completed the 32828
prior school year in an internet- or computer-based community 32829
school shall be considered to be enrolled in the same school in 32830
the subsequent school year until the student's enrollment has 32831
ceased as specified in division (H) (2) of this section. The 32832
department shall continue paying amounts for the student under 32833
section 3317.022 of the Revised Code without interruption at the 32834
start of the subsequent school year. However, if the student 32835
without a legitimate excuse fails to participate in the first 32836
seventy-two consecutive hours of learning opportunities offered 32837
to the student in that subsequent school year, the student shall 32838
be considered not to have re-enrolled in the school for that 32839
school year and the department shall recalculate the payments to 32840
the school for that school year to account for the fact that the 32841
student is not enrolled. 32842

(3) The department shall determine each community school 32843
student's percentage of full-time equivalency based on the 32844
percentage of learning opportunities offered by the community 32845
school to that student, reported either as number of hours or 32846
number of days, is of the total learning opportunities offered 32847
by the community school to a student who attends for the 32848
school's entire school year. However, no internet- or computer- 32849
based community school shall be credited for any time a student 32850
spends participating in learning opportunities beyond ten hours 32851
within any period of twenty-four consecutive hours. Whether it 32852
reports hours or days of learning opportunities, each community 32853
school shall offer not less than nine hundred twenty hours of 32854
learning opportunities during the school year. 32855

(4) With respect to the calculation of full-time 32856
equivalency under division (H) (3) of this section, the 32857
department shall waive the number of hours or days of learning 32858
opportunities not offered to a student because the community 32859
school was closed during the school year due to disease 32860
epidemic, hazardous weather conditions, law enforcement 32861
emergencies, inoperability of school buses or other equipment 32862
necessary to the school's operation, damage to a school 32863
building, or other temporary circumstances due to utility 32864
failure rendering the school building unfit for school use, so 32865
long as the school was actually open for instruction with 32866
students in attendance during that school year for not less than 32867
the minimum number of hours required by this chapter. The 32868
department shall treat the school as if it were open for 32869
instruction with students in attendance during the hours or days 32870
waived under this division. 32871

(I) The department of education and workforce shall reduce 32872
the amounts paid under section 3317.022 of the Revised Code to 32873
reflect payments made to colleges under section 3365.07 of the 32874
Revised Code. 32875

(J) (1) No student shall be considered enrolled in any 32876
internet- or computer-based community school or, if applicable 32877
to the student, in any community school that is required to 32878
provide the student with a computer pursuant to division (C) of 32879
section 3314.22 of the Revised Code, unless both of the 32880
following conditions are satisfied: 32881

(a) The student possesses or has been provided with all 32882
required hardware and software materials and all such materials 32883
are operational so that the student is capable of fully 32884
participating in the learning opportunities specified in the 32885

contract between the school and the school's sponsor as required 32886
by division (A) (23) of section 3314.03 of the Revised Code; 32887

(b) The school is in compliance with division (A) of 32888
section 3314.22 of the Revised Code, relative to such student. 32889

(2) In accordance with policies adopted by the 32890
~~superintendent of public instruction~~department of education and 32891
workforce, in consultation with the auditor of state, the 32892
department shall reduce the amounts otherwise payable under 32893
section 3317.022 of the Revised Code to any community school 32894
that includes in its program the provision of computer hardware 32895
and software materials to any student, if such hardware and 32896
software materials have not been delivered, installed, and 32897
activated for each such student in a timely manner or other 32898
educational materials or services have not been provided 32899
according to the contract between the individual community 32900
school and its sponsor. 32901

The ~~superintendent of public instruction~~director and the 32902
auditor of state shall jointly establish a method for auditing 32903
any community school to which this division pertains to ensure 32904
compliance with this section. 32905

The ~~superintendent~~director, auditor of state, and the 32906
governor shall jointly make recommendations to the general 32907
assembly for legislative changes that may be required to assure 32908
fiscal and academic accountability for such schools. 32909

(K) (1) If the department determines that a review of a 32910
community school's enrollment is necessary, such review shall be 32911
completed and written notice of the findings shall be provided 32912
to the governing authority of the community school and its 32913
sponsor within ninety days of the end of the community school's 32914

fiscal year, unless extended for a period not to exceed thirty 32915
additional days for one of the following reasons: 32916

(a) The department and the community school mutually agree 32917
to the extension. 32918

(b) Delays in data submission caused by either a community 32919
school or its sponsor. 32920

(2) If the review results in a finding that additional 32921
funding is owed to the school, such payment shall be made within 32922
thirty days of the written notice. If the review results in a 32923
finding that the community school owes moneys to the state, the 32924
following procedure shall apply: 32925

(a) Within ten business days of the receipt of the notice 32926
of findings, the community school may appeal the department's 32927
determination to the ~~state board of education or its designee~~ 32928
director. 32929

(b) The ~~board or its designee~~ director shall conduct an 32930
informal hearing on the matter within thirty days of receipt of 32931
such an appeal and shall issue a decision within fifteen days of 32932
the conclusion of the hearing. 32933

(c) ~~If the board has enlisted a designee to conduct the~~ 32934
~~hearing, the designee shall certify its decision to the board.~~ 32935
~~The board may accept the decision of the designee or may reject~~ 32936
~~the decision of the designee and issue its own decision on the~~ 32937
~~matter.~~ 32938

~~(d)~~ Any decision made by the ~~board~~ director under this 32939
division is final. 32940

(3) If it is decided that the community school owes moneys 32941
to the state, the department shall deduct such amount from the 32942

school's future payments in accordance with guidelines issued by 32943
the ~~superintendent of public instruction~~director. 32944

(L) The department shall not pay to a community school 32945
under section 3317.022 of the Revised Code any amount for any of 32946
the following: 32947

(1) Any student who has graduated from the twelfth grade 32948
of a public or nonpublic high school; 32949

(2) Any student who is not a resident of the state; 32950

(3) Any student who was enrolled in the community school 32951
during the previous school year when assessments were 32952
administered under section 3301.0711 of the Revised Code but did 32953
not take one or more of the assessments required by that section 32954
and was not excused pursuant to division (C) (1) or (3) of that 32955
section, unless the ~~superintendent of public instruction~~ 32956
director grants the student a waiver from the requirement to 32957
take the assessment and a parent is not paying tuition for the 32958
student pursuant to section 3314.26 of the Revised Code. The 32959
~~superintendent~~ director may grant a waiver only for good cause 32960
in accordance with rules adopted by the ~~state board of education~~ 32961
department. 32962

(4) Any student who has attained the age of twenty-two 32963
years, except for veterans of the armed services whose 32964
attendance was interrupted before completing the recognized 32965
twelve-year course of the public schools by reason of induction 32966
or enlistment in the armed forces and who apply for enrollment 32967
in a community school not later than four years after 32968
termination of war or their honorable discharge. If, however, 32969
any such veteran elects to enroll in special courses organized 32970
for veterans for whom tuition is paid under federal law, or 32971

otherwise, the department shall not pay to a community school 32972
under section 3317.022 of the Revised Code any amount for that 32973
veteran. 32974

Sec. 3314.081. To the extent permitted by federal law, the 32975
department of education and workforce shall include community 32976
schools established under this chapter in its annual allocation 32977
of federal moneys under Title I of the "Elementary and Secondary 32978
Education Act of 1965," 20 U.S.C. 6301, et seq. 32979

Sec. 3314.083. If the department of education and 32980
workforce pays a joint vocational school district under division 32981
(C) (3) of section 3317.16 of the Revised Code for excess costs 32982
of providing special education and related services to a student 32983
with a disability who is enrolled in a community school, as 32984
calculated under division (C) (1) of that section, the department 32985
shall deduct the amount of that payment from the amount 32986
calculated for payment to the community school under section 32987
3317.022 of the Revised Code. 32988

Sec. 3314.087. (A) As used in this section: 32989

(1) "Career-technical program" means career-technical 32990
programs or classes described in division (A) (1), (2), (3), (4), 32991
or (5) of section 3317.014 of the Revised Code in which a 32992
student is enrolled. 32993

(2) "Category one through five career-technical education 32994
ADM," and "FTE basis" have the same meanings as in section 32995
3317.02 of the Revised Code. 32996

(3) "Resident school district" means the city, exempted 32997
village, or local school district in which a student is entitled 32998
to attend school under section 3313.64 or 3313.65 of the Revised 32999
Code. 33000

(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 33032
any such agreement to be effective, it must be certified by the 33033
~~superintendent of public instruction~~ director of education and 33034
workforce as having met all of the following requirements: 33035

(1) It is submitted to the department of education and 33036
workforce by a deadline which shall be established by the 33037
department. 33038

(2) In accordance with divisions (C) (1) and (2) of this 33039
section, it specifies qualifications, such as residing a minimum 33040
distance from the school, for students to have their 33041
transportation provided or arranged. 33042

(3) The transportation provided by the community school is 33043
subject to all provisions of the Revised Code and all rules 33044
adopted under the Revised Code pertaining to pupil 33045
transportation. 33046

(4) The sponsor of the community school also has signed 33047
the agreement. 33048

(B) (1) For the school year that begins on July 1, 2007, a 33049
school district is not required to provide transportation for 33050
any native student enrolled in a community school, if the 33051
community school during the previous school year transported the 33052
students enrolled in the school or arranged for the students' 33053
transportation, even if that arrangement consisted of having 33054
parents transport their children to and from the school, but did 33055
not enter into an agreement to transport or arrange for 33056
transportation for those students under division (A) of this 33057
section, and if the governing authority of the community school 33058
by July 15, 2007, submits written notification to the district 33059
board of education stating that the governing authority is 33060

accepting responsibility for providing or arranging for the 33061
transportation of the district's native students to and from the 33062
community school. 33063

(2) Except as provided in division (B)(4) of this section, 33064
for any school year subsequent to the school year that begins on 33065
July 1, 2007, a school district is not required to provide 33066
transportation for any native student enrolled in a community 33067
school if the governing authority of the community school, by 33068
the first day of August, submits written notification to the 33069
district board of education stating that the governing authority 33070
is accepting responsibility for providing or arranging for the 33071
transportation of the district's native students to and from the 33072
community school. If the governing authority of the community 33073
school has previously accepted responsibility for providing or 33074
arranging for the transportation of a district's native students 33075
to and from the community school, under division (B)(1) or (2) 33076
of this section, and has since relinquished that responsibility 33077
under division (B)(3) of this section, the governing authority 33078
shall not accept that responsibility again unless the district 33079
board consents to the governing authority's acceptance of that 33080
responsibility. 33081

(3) A governing authority's acceptance of responsibility 33082
under division (B)(1) or (2) of this section shall cover an 33083
entire school year, and shall remain in effect for subsequent 33084
school years unless the governing authority submits written 33085
notification to the district board that the governing authority 33086
is relinquishing the responsibility. However, a governing 33087
authority shall not relinquish responsibility for transportation 33088
before the end of a school year, and shall submit the notice 33089
relinquishing responsibility by the thirty-first day of January, 33090
in order to allow the school district reasonable time to prepare 33091

transportation for its native students enrolled in the school. 33092

(4) (a) For any school year that begins on or after July 1, 33093
2014, a school district is not required to provide 33094
transportation for any native student enrolled in a community 33095
school scheduled to open for operation in the current school 33096
year, if the governing authority of the community school, by the 33097
fifteenth day of April of the previous school year, submits 33098
written notification to the district board of education stating 33099
that the governing authority is accepting responsibility for 33100
providing or arranging for the transportation of the district's 33101
native students to and from the community school. 33102

(b) The governing authority of a community school that 33103
accepts responsibility for transporting its students under 33104
division (B) (4) (a) of this section shall comply with divisions 33105
(B) (2) and (3) of this section to renew or relinquish that 33106
authority for subsequent school years. 33107

(C) (1) A community school governing authority that enters 33108
into an agreement under division (A) of this section, or that 33109
accepts responsibility under division (B) of this section, shall 33110
provide or arrange transportation free of any charge for each of 33111
its enrolled students who is required to be transported under 33112
section 3327.01 of the Revised Code. The governing authority 33113
shall report to the department of education and workforce the 33114
number of students transported or for whom transportation is 33115
arranged under this section in accordance with rules adopted by 33116
~~the state board of education~~ department. 33117

(2) The governing authority may provide or arrange 33118
transportation for any other enrolled student who is not 33119
eligible for transportation in accordance with division (C) (1) 33120
of this section and may charge a fee for such service up to the 33121

actual cost of the service. 33122

(3) Notwithstanding anything to the contrary in division 33123
(C) (1) or (2) of this section, a community school governing 33124
authority shall provide or arrange transportation free of any 33125
charge for any disabled student enrolled in the school for whom 33126
the student's individualized education program developed under 33127
Chapter 3323. of the Revised Code specifies transportation. 33128

(D) A community school shall use payments received under 33129
division (H) of section 3317.0212 of the Revised Code solely to 33130
pay the costs of providing or arranging for the transportation 33131
of students who are eligible as specified in section 3327.01 of 33132
the Revised Code and division (C) (1) of this section, which may 33133
include payments to a parent, guardian, or other person in 33134
charge of a child in lieu of transportation. 33135

(E) Except when arranged through payment to a parent, 33136
guardian, or person in charge of a child, transportation 33137
provided or arranged for by a community school pursuant to an 33138
agreement under this section is subject to all provisions of the 33139
Revised Code, and all rules adopted under the Revised Code, 33140
pertaining to the construction, design, equipment, and operation 33141
of school buses and other vehicles transporting students to and 33142
from school. The drivers and mechanics of the vehicles are 33143
subject to all provisions of the Revised Code, and all rules 33144
adopted under the Revised Code, pertaining to drivers and 33145
mechanics of such vehicles. The community school also shall 33146
comply with sections 3313.201, 3327.09, and 3327.10 of the 33147
Revised Code, division (B) of section 3327.16 of the Revised 33148
Code and, subject to division (C) (1) of this section, sections 33149
3327.01 and 3327.02 of the Revised Code, as if it were a school 33150
district. 33151

Sec. 3314.10. (A) (1) The governing authority of any 33152
community school established under this chapter may employ 33153
teachers and nonteaching employees necessary to carry out its 33154
mission and fulfill its contract. 33155

(2) Except as provided under division (A) (3) of this 33156
section, employees hired under this section may organize and 33157
collectively bargain pursuant to Chapter 4117. of the Revised 33158
Code. Notwithstanding division (D) (1) of section 4117.06 of the 33159
Revised Code, a unit containing teaching and nonteaching 33160
employees employed under this section shall be considered an 33161
appropriate unit. Except as provided in divisions (B) (2) (b) and 33162
(c) of section 3307.01 of the Revised Code and in section 33163
3309.013 of the Revised Code, employment under this section is 33164
subject to either Chapter 3307. or 3309. of the Revised Code. 33165

(3) If a school is created by converting all or part of an 33166
existing public school rather than by establishment of a new 33167
start-up school, at the time of conversion, the employees of the 33168
community school shall remain part of any collective bargaining 33169
unit in which they were included immediately prior to the 33170
conversion and shall remain subject to any collective bargaining 33171
agreement for that unit in effect on the first day of July of 33172
the year in which the community school initially begins 33173
operation and shall be subject to any subsequent collective 33174
bargaining agreement for that unit, unless a petition is 33175
certified as sufficient under division (A) (6) of this section 33176
with regard to those employees. Any new employees of the 33177
community school shall also be included in the unit to which 33178
they would have been assigned had not the conversion taken place 33179
and shall be subject to the collective bargaining agreement for 33180
that unit unless a petition is certified as sufficient under 33181
division (A) (6) of this section with regard to those employees. 33182

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit

for purposes of Chapter 4117. of the Revised Code; 33214

(b) That the employee organization certified as the 33215
exclusive representative of the employees of the bargaining unit 33216
from which the employees are to be removed be certified as the 33217
exclusive representative of the new and separate bargaining unit 33218
for purposes of Chapter 4117. of the Revised Code; 33219

(c) That the governing authority of the community school 33220
be regarded as the "public employer" of these employees for 33221
purposes of Chapter 4117. of the Revised Code. 33222

(5) Notwithstanding sections 4117.03 to 4117.18 of the 33223
Revised Code and Section 4 of Amended Substitute Senate Bill No. 33224
133 of the 115th general assembly, the employees of a conversion 33225
community school who are subject to a collective bargaining 33226
agreement pursuant to division (A)(3) of this section shall 33227
cease to be subject to that agreement and all subsequent 33228
agreements pursuant to that division, shall cease to be part of 33229
the collective bargaining unit that is subject to that and all 33230
subsequent agreements, and shall cease to be represented by any 33231
exclusive representative of that collective bargaining unit, if 33232
a majority of the employees of the community school who are 33233
subject to that collective bargaining agreement sign and submit 33234
to the state employment relations board a petition requesting 33235
all of the following: 33236

(a) That all the employees of the community school who are 33237
subject to that agreement be removed from the bargaining unit 33238
that is subject to that agreement; 33239

(b) That any employee organization certified as the 33240
exclusive representative of the employees of that bargaining 33241
unit be decertified as the exclusive representative of the 33242

employees of the community school who are subject to that 33243
agreement; 33244

(c) That the governing authority of the community school 33245
be regarded as the "public employer" of these employees for 33246
purposes of Chapter 4117. of the Revised Code. 33247

(6) Upon receipt of a petition under division (A) (4) or 33248
(5) of this section, the state employment relations board shall 33249
check the sufficiency of the signatures on the petition. If the 33250
signatures are found sufficient, the board shall certify the 33251
sufficiency of the petition and so notify the parties involved, 33252
including the board of education, the governing authority of the 33253
community school, and any exclusive representative of the 33254
bargaining unit. The changes requested in a certified petition 33255
shall take effect on the first day of the month immediately 33256
following the date on which the sufficiency of the petition is 33257
certified under division (A) (6) of this section. 33258

(B) (1) The board of education of each city, local, and 33259
exempted village school district sponsoring a community school 33260
and the governing board of each educational service center in 33261
which a community school is located shall adopt a policy that 33262
provides a leave of absence of at least three years to each 33263
teacher or nonteaching employee of the district or service 33264
center who is employed by a conversion or new start-up community 33265
school sponsored by the district or located in the district or 33266
center for the period during which the teacher or employee is 33267
continuously employed by the community school. The policy shall 33268
also provide that any teacher or nonteaching employee may return 33269
to employment by the district or service center if the teacher 33270
or employee leaves or is discharged from employment with the 33271
community school for any reason, unless, in the case of a 33272

teacher, the board of the district or service center determines 33273
that the teacher was discharged for a reason for which the board 33274
would have sought to discharge the teacher under section 3311.82 33275
or 3319.16 of the Revised Code, in which case the board may 33276
proceed to discharge the teacher utilizing the procedures of 33277
that section. Upon termination of such a leave of absence, any 33278
seniority that is applicable to the person shall be calculated 33279
to include all of the following: all employment by the district 33280
or service center prior to the leave of absence; all employment 33281
by the community school during the leave of absence; and all 33282
employment by the district or service center after the leave of 33283
absence. The policy shall also provide that if any teacher 33284
holding valid certification returns to employment by the 33285
district or service center upon termination of such a leave of 33286
absence, the teacher shall be restored to the previous position 33287
and salary or to a position and salary similar thereto. If, as a 33288
result of teachers returning to employment upon termination of 33289
such leaves of absence, a school district or educational service 33290
center reduces the number of teachers it employs, it shall make 33291
such reductions in accordance with section 3319.171 of the 33292
Revised Code. 33293

Unless a collective bargaining agreement providing 33294
otherwise is in effect for an employee of a conversion community 33295
school pursuant to division (A) (3) of this section, an employee 33296
on a leave of absence pursuant to this division shall remain 33297
eligible for any benefits that are in addition to benefits under 33298
Chapter 3307. or 3309. of the Revised Code provided by the 33299
district or service center to its employees provided the 33300
employee pays the entire cost associated with such benefits, 33301
except that personal leave and vacation leave cannot be accrued 33302
for use as an employee of a school district or service center 33303

while in the employ of a community school unless the district or 33304
service center board adopts a policy expressly permitting this 33305
accrual. 33306

(2) While on a leave of absence pursuant to division (B) 33307
(1) of this section, a conversion community school shall permit 33308
a teacher to use sick leave accrued while in the employ of the 33309
school district from which the leave of absence was taken and 33310
prior to commencing such leave. If a teacher who is on such a 33311
leave of absence uses sick leave so accrued, the cost of any 33312
salary paid by the community school to the teacher for that time 33313
shall be reported to the department of education and workforce. 33314
The cost of employing a substitute teacher for that time shall 33315
be paid by the community school. The department of education and 33316
workforce shall add amounts to the payments made to a community 33317
school under this chapter as necessary to cover the cost of 33318
salary reported by a community school as paid to a teacher using 33319
sick leave so accrued pursuant to this section. The department 33320
shall subtract the amounts of any payments made to community 33321
schools under this division from payments made to such 33322
sponsoring school district under Chapter 3317. of the Revised 33323
Code. 33324

A school district providing a leave of absence and 33325
employee benefits to a person pursuant to this division is not 33326
liable for any action of that person while the person is on such 33327
leave and employed by a community school. 33328

Sec. 3314.101. (A) As used in this section, "license" has 33329
the same meaning as in section 3319.31 of the Revised Code. 33330

(B) If a person who is employed by a community school 33331
established under this chapter or by an operator is arrested, 33332
summoned, or indicted for an alleged violation of an offense 33333

listed in division (C) of section 3319.31 of the Revised Code, 33334
if the person holds a license, or an offense listed in division 33335
(B) (1) of section 3319.39 of the Revised Code, if the person 33336
does not hold a license, the chief administrator of the 33337
community school in which that person works shall suspend that 33338
person from all duties that require the care, custody, or 33339
control of a child during the pendency of the criminal action 33340
against the person. If the person who is arrested, summoned, or 33341
indicted for an alleged violation of an offense listed in 33342
division (C) of section 3319.31 or division (B) (1) of section 33343
3319.39 of the Revised Code is the chief administrator of the 33344
community school, the governing authority of the school shall 33345
suspend the chief administrator from all duties that require the 33346
care, custody, or control of a child. 33347

(C) When a person who holds a license is suspended in 33348
accordance with this section, the chief administrator or 33349
governing authority that imposed the suspension promptly shall 33350
report the person's suspension to the department of education 33351
and workforce and state board of education. The report shall 33352
include the offense for which the person was arrested, summoned, 33353
or indicted. 33354

Sec. 3314.11. (A) The governing authority of each 33355
community school established under this chapter monthly shall 33356
review the residency records of students enrolled in that 33357
community school. Upon the enrollment of each student and on an 33358
annual basis, the governing authority shall verify to the 33359
department of education and workforce the school district in 33360
which the student is entitled to attend school under section 33361
3313.64 or 3313.65 of the Revised Code. 33362

The school district may review the determination made by 33363

the community school under division (A) of this section. 33364

(B) (1) For purposes of its initial reporting of the school 33365
districts in which its students are entitled to attend school, 33366
the governing authority of a community school shall adopt a 33367
policy that prescribes the number of documents listed in 33368
division (E) of this section required to verify a student's 33369
residency. This policy shall supersede any policy concerning the 33370
number of documents for initial residency verification adopted 33371
by the district the student is entitled to attend. 33372

(2) For purposes of the annual reporting of the school 33373
districts in which its students are entitled to attend school, 33374
the governing authority of a community school shall adopt a 33375
policy that prescribes the information required to verify a 33376
student's residency. This information may be obtained through 33377
any type of document, including any of the documents listed in 33378
division (E) of this section, or any type of communication with 33379
a government official authorized to provide such information. 33380

(C) For purposes of making the determinations required 33381
under this section, the school district in which a parent or 33382
child resides is the location the parent or student has 33383
established as the primary residence and where substantial 33384
family activity takes place. 33385

(D) If a community school's determination under division 33386
(A) of this section of the school district a student is entitled 33387
to attend under section 3313.64 or 3313.65 of the Revised Code 33388
differs from a district's determination, the community school 33389
that made the determination under division (A) of this section 33390
shall provide the school district with documentation of the 33391
student's residency and shall make a good faith effort to 33392
accurately identify the correct residence of the student. 33393

(E) For purposes of this section, the following documents may serve as evidence of primary residence:	33394 33395
(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;	33396 33397 33398
(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;	33399 33400
(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;	33401 33402 33403
(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;	33404 33405 33406
(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction <u>department</u> shall develop guidelines for determining what qualifies as an "official document" under this division.	33407 33408 33409 33410 33411
(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F) (13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.	33412 33413 33414 33415 33416 33417 33418 33419
(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more	33420 33421 33422

than sixty days after the monthly deadline established by the 33423
department ~~of education~~ for reporting of community school 33424
enrollment, may present the matter to the ~~superintendent of~~ 33425
~~public instruction~~ director of education and workforce. Not later 33426
than thirty days after the community school presents the matter, 33427
the ~~state superintendent~~ director, or the ~~state superintendent's~~ 33428
director's designee, shall determine which district the student 33429
is entitled to attend and shall direct any necessary adjustments 33430
to payments under section 3317.022 of the Revised Code based on 33431
that determination. 33432

Sec. 3314.12. On or before the first day of November each 33433
year, the sponsor of each community school established under 33434
this chapter shall submit to the department of education and 33435
workforce, in accordance with guidelines adopted by the 33436
department for purposes of this section, a report that describes 33437
the special education and related services provided by that 33438
school to enrolled students during the previous fiscal year and 33439
the school's expenditures for those services. 33440

Sec. 3314.143. (A) With the approval of its governing 33441
authority, a community school established under this chapter may 33442
procure epinephrine autoinjectors in the manner prescribed by 33443
section 3313.7110 of the Revised Code. A community school that 33444
elects to do so shall comply with all provisions of that section 33445
as if it were a school district. 33446

(B) (1) The following are not liable in damages in a civil 33447
action for injury, death, or loss to person or property that 33448
allegedly arises from an act or omission associated with 33449
procuring, maintaining, accessing, or using an epinephrine 33450
autoinjector under this section, unless the act or omission 33451
constitutes willful or wanton misconduct: 33452

(a) A community school;	33453
(b) A member of a community school governing authority;	33454
(c) A community school employee or contractor;	33455
(d) A licensed health professional authorized to prescribe	33456
drugs who personally furnishes or prescribes epinephrine	33457
autoinjectors, provides a consultation, or issues a protocol	33458
pursuant to this section.	33459
(2) This division does not eliminate, limit, or reduce any	33460
other immunity or defense that a community school or governing	33461
authority, member of a community school governing authority,	33462
community school employee or contractor, or licensed health	33463
professional may be entitled to under Chapter 2744. or any other	33464
provision of the Revised Code or under the common law of this	33465
state.	33466
(C) A community school may accept donations of epinephrine	33467
autoinjectors from a wholesale distributor of dangerous drugs or	33468
a manufacturer of dangerous drugs, as defined in section 4729.01	33469
of the Revised Code, and may accept donations of money from any	33470
person to purchase epinephrine autoinjectors.	33471
(D) A community school that elects to procure epinephrine	33472
autoinjectors under this section shall report to the department	33473
of education <u>and workforce</u> each procurement and occurrence in	33474
which an epinephrine autoinjector is used from the school's	33475
supply of epinephrine autoinjectors.	33476
Sec. 3314.144. (A) As used in this section, "inhaler" has	33477
the same meaning as in section 3313.7113 of the Revised Code.	33478
(B) With the approval of its governing authority, a	33479
community school may procure inhalers in the manner prescribed	33480

by section 3313.7113 of the Revised Code. A community school 33481
that elects to do so shall comply with all provisions of that 33482
section as if it were a school district. 33483

(C) A community school, a member of a community school 33484
governing authority, or a community school employee or 33485
contractor is not liable in damages in a civil action for 33486
injury, death, or loss to person or property that allegedly 33487
arises from an act or omission associated with procuring, 33488
maintaining, accessing, or using an inhaler under this section, 33489
unless the act or omission constitutes willful or wanton 33490
misconduct. 33491

This division does not eliminate, limit, or reduce any 33492
other immunity or defense that a community school or governing 33493
authority, member of a community school governing authority, or 33494
community school employee or contractor may be entitled to under 33495
Chapter 2744. or any other provision of the Revised Code or 33496
under the common law of this state. 33497

(D) A community school may accept donations of inhalers 33498
from a wholesale distributor of dangerous drugs or a 33499
manufacturer of dangerous drugs, as defined in section 4729.01 33500
of the Revised Code, and may accept donations of money from any 33501
person to purchase inhalers. 33502

(E) A community school that elects to procure inhalers 33503
under this section shall report to the department of education 33504
and workforce each procurement and occurrence in which an 33505
inhaler is used from the school's supply of inhalers. 33506

Sec. 3314.147. (A) With the approval of its governing 33507
authority, a community school established under this chapter may 33508
procure injectable or nasally administered glucagon in the 33509

manner prescribed by section 3313.7115 of the Revised Code. A 33510
community school that elects to do so shall comply with all 33511
provisions of that section as if it were a school district. 33512

(B) (1) The following are not liable in damages in a civil 33513
action for injury, death, or loss to person or property that 33514
allegedly arises from an act or omission associated with 33515
procuring, maintaining, accessing, or using injectable or 33516
nasally administered glucagon under this section, unless the act 33517
or omission constitutes willful or wanton misconduct: 33518

(a) A community school; 33519

(b) A member of a community school governing authority; 33520

(c) A community school employee or contractor; 33521

(d) A licensed health professional authorized to prescribe 33522
drugs who personally furnishes or prescribes injectable or 33523
nasally administered glucagon, provides a consultation, or 33524
issues a protocol pursuant to this section. 33525

(2) This division does not eliminate, limit, or reduce any 33526
other immunity or defense that a community school or governing 33527
authority, member of a community school governing authority, 33528
community school employee or contractor, or licensed health 33529
professional may be entitled to under Chapter 2744. or any other 33530
provision of the Revised Code or under the common law of this 33531
state. 33532

(C) A community school may accept donations of injectable 33533
or nasally administered glucagon from a wholesale distributor of 33534
dangerous drugs or a manufacturer of dangerous drugs, as defined 33535
in section 4729.01 of the Revised Code, and may accept donations 33536
of money from any person to purchase the drug. 33537

(D) A community school that elects to procure injectable 33538
or nasally administered glucagon under this section shall report 33539
to the department of education and workforce each procurement 33540
and each occurrence in which a dose of the drug is used from the 33541
school's supply. 33542

Sec. 3314.17. (A) Each community school established under 33543
this chapter shall participate in the statewide education 33544
management information system established under section 33545
3301.0714 of the Revised Code. All provisions of that section 33546
and the rules adopted under that section apply to each community 33547
school as if it were a school district, except as modified for 33548
community schools under division (B) of this section. Each 33549
community school shall comply with division (C) of section 33550
3301.0723 of the Revised Code. 33551

(B) The rules adopted by the ~~state board~~ department of 33552
education and workforce under section 3301.0714 of the Revised 33553
Code may distinguish methods and timelines for community schools 33554
to annually report data, which methods and timelines differ from 33555
those prescribed for school districts. Any methods and timelines 33556
prescribed for community schools shall be appropriate to the 33557
academic schedule and financing of community schools. The 33558
guidelines, however, shall not modify the actual data required 33559
to be reported under that section. 33560

(C) Each fiscal officer appointed under section 3314.011 33561
of the Revised Code is responsible for annually reporting the 33562
community school's data under section 3301.0714 of the Revised 33563
Code. If the ~~superintendent of public instruction~~ director of 33564
education and workforce determines that a community school 33565
fiscal officer has willfully failed to report data or has 33566
willfully reported erroneous, inaccurate, or incomplete data in 33567

any year, or has negligently reported erroneous, inaccurate, or 33568
incomplete data in the current and any previous year, the 33569
~~superintendent~~ director may impose a civil penalty of one 33570
hundred dollars on the fiscal officer after providing the 33571
officer with notice and an opportunity for a hearing in 33572
accordance with Chapter 119. of the Revised Code. The 33573
~~superintendent's~~ director's authority to impose civil penalties 33574
under this division does not preclude the state board of 33575
education from suspending or revoking the license of a community 33576
school employee under division (N) of section 3301.0714 of the 33577
Revised Code. 33578

(D) No community school shall acquire, change, or update 33579
its student administration software package to manage and report 33580
data required to be reported to the department unless it 33581
converts to a student software package that is certified by the 33582
department. 33583

Sec. 3314.18. (A) Subject to division (C) of this section, 33584
the governing authority of each community school shall establish 33585
a breakfast program pursuant to the "National School Lunch Act," 33586
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 33587
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 33588
amended, if at least one-fifth of the pupils in the school are 33589
eligible under federal requirements for free breakfasts, and 33590
shall establish a lunch program pursuant to those acts if at 33591
least one-fifth of the pupils are eligible for free lunches. The 33592
governing authority required to establish a breakfast program 33593
under this division may make a charge in accordance with federal 33594
requirements for each reduced price breakfast or paid breakfast 33595
to cover the cost incurred in providing that meal. 33596

A breakfast program established under this section shall 33597

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 case, the governing authority shall communicate to the parents of its students, in the manner it determines appropriate, its decision not to comply.

(D) The governing authority of each community school required to establish a school breakfast, school lunch, or summer food service program under this section shall apply for state and federal funds allocated by the ~~state board~~ department of education and workforce under division (B) of section 3313.813 of the Revised Code and shall comply with the ~~state board's~~ department's standards adopted under that division.

(E) The governing authority of any community school 33627
required to establish a breakfast program under this section or 33628
that elects to participate in a breakfast program pursuant to 33629
the "National School Lunch Act" and the "Child Nutrition Act of 33630
1966" may offer breakfast to pupils in their classrooms during 33631
the school day. However, any community school that is subject to 33632
section 3313.818 of the Revised Code shall offer breakfast to 33633
pupils in accordance with that section. 33634

(F) Notwithstanding anything in this section to the 33635
contrary, in each fiscal year in which the general assembly 33636
appropriates funds for purposes of this division, the governing 33637
authority of each community school required to establish a 33638
breakfast program under this section or that elects to 33639
participate in a breakfast program pursuant to the "National 33640
School Lunch Act" and the "Child Nutrition Act of 1966" shall 33641
provide a breakfast free of charge to each pupil who is eligible 33642
under federal requirements for a reduced price breakfast. 33643

(G) This section does not apply to internet- or computer- 33644
based community schools. 33645

Sec. 3314.19. The sponsor of each community school shall 33646
provide the following assurances in writing to the department of 33647
education and workforce not later than ten business days prior 33648
to the opening of the school's first year of operation or, if 33649
the school is not an internet- or computer-based community 33650
school and it changes the building from which it operates, the 33651
opening of the first year it operates from the new building: 33652

(A) That a current copy of the contract between the 33653
sponsor and the governing authority of the school entered into 33654
under section 3314.03 of the Revised Code has been filed with 33655
the department and that any subsequent modifications to that 33656

contract will be filed with the department; 33657

(B) That the school has submitted to the sponsor a plan 33658
for providing special education and related services to students 33659
with disabilities and has demonstrated the capacity to provide 33660
those services in accordance with Chapter 3323. of the Revised 33661
Code and federal law; 33662

(C) That the school has a plan and procedures for 33663
administering the achievement and diagnostic assessments 33664
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 33665
the Revised Code; 33666

(D) That school personnel have the necessary training, 33667
knowledge, and resources to properly use and submit information 33668
to all databases maintained by the department for the collection 33669
of education data, including the education management 33670
information system established under section 3301.0714 of the 33671
Revised Code in accordance with methods and timelines 33672
established under section 3314.17 of the Revised Code; 33673

(E) That all required information about the school has 33674
been submitted to the Ohio education directory system or any 33675
successor system; 33676

(F) That the school will enroll at least the minimum 33677
number of students required by division (A) (11) (a) of section 33678
3314.03 of the Revised Code in the school year for which the 33679
assurances are provided; 33680

(G) That all classroom teachers are licensed in accordance 33681
with sections 3319.22 to 3319.31 of the Revised Code, except for 33682
noncertificated persons engaged to teach up to twelve hours or 33683
forty hours per week pursuant to section 3319.301 of the Revised 33684
Code; 33685

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	33686 33687
(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;	33688 33689 33690 33691
(J) That the school holds all of the following:	33692
(1) Proof of property ownership or a lease for the facilities used by the school;	33693 33694
(2) A certificate of occupancy;	33695
(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;	33696 33697 33698 33699
(4) A satisfactory health and safety inspection;	33700
(5) A satisfactory fire inspection;	33701
(6) A valid food permit, if applicable.	33702
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	33703 33704 33705
(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;	33706 33707 33708 33709
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	33710 33711 33712

(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:

(1) An indication of what blended learning model or models will be used;

(2) A description of how student instructional needs will be determined and documented;

(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(4) The school's attendance requirements, including how the school will document participation in learning opportunities;

(5) A statement describing how student progress will be monitored;

(6) A statement describing how private student data will be protected;

(7) A description of the professional development activities that will be offered to teachers.

Sec. 3314.191. Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following:

(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J) (3) of section 3314.19 of the Revised Code.

(B) The sponsor has approved the financial controls 33741
required by the comprehensive plan for the school under division 33742
(B) (5) of section 3314.03 of the Revised Code. 33743

(C) The school facilities will be ready and open for use 33744
by the date prescribed in the contract entered into under 33745
section 3314.03 of the Revised Code, and the sponsor has 33746
reviewed any lease, purchase agreement, permits required by 33747
statute or contract, and construction plans. 33748

(D) The chief administrator of the community school 33749
actively is managing daily operations at the school. 33750

(E) The projected enrollment reported to the department is 33751
accurate. 33752

Sec. 3314.20. (A) As used in this section: 33753

(1) "Base enrollment" for an internet- or computer-based 33754
community school means either of the following: 33755

(a) If the school was open for instruction on ~~the~~ 33756
~~effective date of this section~~ September 29, 2013, the number of 33757
students enrolled in the school at the end of the 2012-2013 33758
school year; 33759

(b) If the school opens for instruction after ~~the~~ 33760
~~effective date of this section~~ September 29, 2013, one thousand 33761
students. 33762

(2) "Enrollment limit" for an internet- or computer-based 33763
community school means the following: 33764

(a) For the 2014-2015 school year, the base enrollment 33765
increased by the prescribed annual rate of growth, as calculated 33766
by the department of education and workforce. 33767

(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.

(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:

(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.

(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.

(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.

(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single

subject. 33796

(B) (1) It is the intent of the general assembly that 33797
teachers employed by internet- or computer-based community 33798
schools conduct visits with their students in person throughout 33799
the school year. 33800

(2) Each internet- or computer-based community school 33801
shall retain an affiliation with at least one full-time teacher 33802
of record licensed in accordance with division (A) (10) of 33803
section 3314.03 of the Revised Code. 33804

(3) Each student enrolled in an internet- or computer- 33805
based community school shall be assigned to at least one teacher 33806
of record. No teacher of record shall be primarily responsible 33807
for the academic development and achievement of more than one 33808
hundred twenty-five students enrolled in the internet- or 33809
computer-based community school that has retained that teacher. 33810

(C) For any internet- or computer-based community school, 33811
the contract between the sponsor and the governing authority of 33812
the school described in section 3314.03 of the Revised Code 33813
shall specify each of the following: 33814

(1) A requirement that the school use a filtering device 33815
or install filtering software that protects against internet 33816
access to materials that are obscene or harmful to juveniles on 33817
each computer provided to students for instructional use. The 33818
school shall provide such device or software at no cost to any 33819
student who works primarily from the student's residence on a 33820
computer obtained from a source other than the school. 33821

(2) A plan for fulfilling the intent of the general 33822
assembly specified in division (B) (1) of this section. The plan 33823
shall indicate the number of times teachers will visit each 33824

student throughout the school year and the manner in which those 33825
visits will be conducted. 33826

(3) That the school will set up a central base of 33827
operation and the sponsor will maintain a representative within 33828
fifty miles of that base of operation to provide monitoring and 33829
assistance. 33830

(D) (1) Annually, each internet- or computer-based 33831
community school shall prepare and submit to the department of 33832
education and workforce, in a time and manner prescribed by the 33833
department, a report that contains information about all of the 33834
following: 33835

(a) Classroom size; 33836

(b) The ratio of teachers to students per classroom; 33837

(c) The number of student-teacher meetings conducted in 33838
person or by video conference; 33839

(d) Any other information determined necessary by the 33840
department. 33841

(2) The department annually shall prepare and ~~submit to~~ 33842
~~the state board of education~~ issue a report that contains the 33843
information received under division (D) (1) of this section. 33844

Sec. 3314.22. (A) (1) Each child enrolled in an internet- 33845
or computer-based community school is entitled to a computer 33846
supplied by the school; however, the parent of any child 33847
enrolled in the school may waive this entitlement in the manner 33848
specified in division (A) (3) of this section. In no case shall 33849
an internet- or computer-based community school provide a 33850
stipend or other substitute to an enrolled child or the child's 33851
parent in lieu of supplying a computer to the child. The 33852

prohibition contained in the preceding sentence is intended to 33853
clarify the meaning of this division as it existed prior to 33854
September 29, 2005, and is not intended to change that meaning 33855
in any way. 33856

(2) Notwithstanding division (A)(1) of this section, if 33857
more than one child living in a single residence is enrolled in 33858
an internet- or computer-based community school, at the option 33859
of the parent of those children, the school may supply less than 33860
one computer per child, as long as at least one computer is 33861
supplied to the residence. An internet- or computer-based 33862
community school may supply no computer at all only if the 33863
parent has waived the entitlement prescribed in division (A)(1) 33864
of this section in the manner specified in division (A)(3) of 33865
this section. The parent may amend the decision to accept less 33866
than one computer per child anytime during the school year, and, 33867
in such case, within thirty days after the parent notifies the 33868
school of such amendment, the school shall provide any 33869
additional computers requested by the parent up to the number 33870
necessary to comply with division (A)(1) of this section. 33871

(3) The parent of any child enrolled in an internet- or 33872
computer-based community school may waive the entitlement to one 33873
computer per child, and have no computer at all supplied by the 33874
school, if the school and parent set forth that waiver in 33875
writing with both parties attesting that there is a computer 33876
available to the child in the child's residence with sufficient 33877
hardware, software, programming, and connectivity so that the 33878
child may fully participate in all of the learning opportunities 33879
offered to the child by the school. The parent may amend the 33880
decision to waive the entitlement at any time during the school 33881
year and, in such case, within thirty days after the parent 33882
notifies the school of that decision, the school shall provide 33883

any additional computers requested by the parent up to the 33884
number necessary to comply with division (A) (1) of this section, 33885
regardless of whether there is any change in the conditions 33886
attested to in the waiver. 33887

(4) A copy of a waiver executed under division (A) (3) of 33888
this section shall be retained by the internet- or computer- 33889
based community school and the parent who attested to the 33890
conditions prescribed in that division. The school shall submit 33891
a copy of the waiver to the department of education and 33892
workforce immediately upon execution of the waiver. 33893

(5) The school shall notify the ~~department of education,~~ 33894
in the manner specified by the department, of any parent's 33895
decision under division (A) (2) of this section to accept less 33896
than one computer per child or the parent's amendment to that 33897
decision, and of any parent's decision to amend the waiver 33898
executed under division (A) (3) of this section. 33899

(B) Each internet- or computer-based community school 33900
shall provide to each parent who is considering enrolling the 33901
parent's child in the school and to the parent of each child 33902
already enrolled in the school a written notice of the 33903
provisions prescribed in division (A) of this section. 33904

(C) If a community school that is not an internet- or 33905
computer-based community school provides any of its enrolled 33906
students with nonclassroom-based learning opportunities provided 33907
via an internet- or other computer-based instructional method 33908
and requires such students to participate in any of those 33909
learning opportunities from their residences, the school shall 33910
be subject to this section and division (C) (1) of section 33911
3314.21 of the Revised Code relative to each such student in the 33912
same manner as an internet- or computer-based community school, 33913

unless both of the following conditions apply to the student: 33914

(1) The nonclassroom-based learning opportunities in which 33915
the student is required to participate from the student's 33916
residence are supplemental in nature or do not constitute a 33917
significant portion of the total classroom-based and 33918
nonclassroom-based learning opportunities provided to the 33919
student by the school; 33920

(2) The student's residence is equipped with a computer 33921
available for the student's use. 33922

Sec. 3314.232. ~~The superintendent of public instruction~~ 33923
department of education and workforce shall establish by rule 33924
adopted in accordance with Chapter 119. of the Revised Code 33925
standards for learning management software to be used by 33926
internet- and computer-based community schools. 33927

Sec. 3314.24. (A) On or after July 1, 2004, no internet- 33928
or computer-based community school shall enter into a contract 33929
with a nonpublic school to use or rent any facility space at the 33930
nonpublic school for the provision of instructional services to 33931
students enrolled in the internet- or computer-based community 33932
school. 33933

(B) If an internet- or computer-based community school has 33934
a contract with a nonpublic school as described in division (A) 33935
of this section, the department of education and workforce shall 33936
not make any payments under section 3317.022 of the Revised Code 33937
to the internet- or computer-based community school for any 33938
student who is enrolled in the internet- or computer-based 33939
community school and receives any instructional services from 33940
the internet- or computer-based community school at the 33941
nonpublic school. 33942

Sec. 3314.26. (A) Each internet- or computer-based 33943
community school shall withdraw from the school any student who, 33944
for two consecutive school years of enrollment in the school, 33945
has failed to participate in the spring administration of any 33946
assessment prescribed under section 3301.0710 or 3301.0712 of 33947
the Revised Code for the student's grade level and was not 33948
excused from the assessment pursuant to division (C)(1) or (3) 33949
of section 3301.0711 of the Revised Code, regardless of whether 33950
a waiver was granted for the student under division (L)(3) of 33951
section 3314.08 of the Revised Code. The school shall report any 33952
such student's data verification code, as assigned pursuant to 33953
section 3301.0714 of the Revised Code, to the department of 33954
education and workforce. The department shall maintain a list of 33955
all data verification codes reported under this division and 33956
section 3313.6410 of the Revised Code and provide that list to 33957
each internet- or computer-based community school and to each 33958
school to which section 3313.6410 of the Revised Code applies. 33959

(B) No internet- or computer-based community school shall 33960
receive any state funds under this chapter for any enrolled 33961
student whose data verification code appears on the list 33962
maintained by the department under division (A) of this section. 33963

Notwithstanding any provision of the Revised Code to the 33964
contrary, the parent of any such student shall pay tuition to 33965
the internet- or computer-based community school in an amount 33966
equal to the state funds the school otherwise would receive for 33967
that student, as determined by the department. An internet- or 33968
computer-based community school may withdraw any student for 33969
whom the parent does not pay tuition as required by this 33970
division. 33971

Sec. 3314.27. No student enrolled in an internet- or 33972

computer-based community school may participate in more than ten 33973
hours of learning opportunities in any period of twenty-four 33974
consecutive hours. Any time such a student participates in 33975
learning opportunities beyond the limit prescribed in this 33976
section shall not count toward the annual minimum number of 33977
hours required to be provided to that student as prescribed in 33978
division (A)(11)(a) of section 3314.03 of the Revised Code. If 33979
any internet- or computer-based community school requires its 33980
students to participate in learning opportunities on the basis 33981
of days rather than hours, one day shall consist of a minimum of 33982
five hours of such participation. 33983

Each internet- or computer-based community school shall 33984
keep an accurate record of each individual student's 33985
participation in learning opportunities each day. The record 33986
shall be kept in such a manner that the information contained 33987
within it easily can be submitted to the department of education 33988
and workforce, upon request by the department or the auditor of 33989
state. 33990

Sec. 3314.271. (A) Each internet- or computer-based 33991
community school shall offer a student orientation course and 33992
shall notify each student who enrolls in that school of that 33993
student's opportunity to participate in the student orientation 33994
course. 33995

(B) The department of education and workforce shall 33996
provide guidance to internet- or computer-based community 33997
schools for developing and delivering the orientation course. 33998

(C) Each internet- or computer-based community school may, 33999
at the time of a particular student's enrollment in that school, 34000
ask the student's parent or guardian to estimate the length of 34001
time the student will attend the school. Any information 34002

collected pursuant to this division shall be included in an 34003
aggregated format in the school's annual report required by 34004
division (A) (11) (g) of section 3314.03 of the Revised Code. 34005

(D) Each internet- or computer-based community school, on 34006
a periodic basis throughout each school year, shall communicate 34007
with each student's parent, guardian, or custodian regarding the 34008
performance and progress of that student. Each internet- or 34009
computer-based community school also shall provide opportunities 34010
for parent-teacher conferences, shall document the school's 34011
requests for such conferences, and may permit students to 34012
participate in the conferences. Parent-teacher conferences may 34013
be conducted through electronic means. 34014

Sec. 3314.28. (A) Each internet- or computer-based 34015
community school established under this chapter shall submit to 34016
the school's sponsor a plan for providing special education and 34017
related services to disabled students enrolled in the school in 34018
accordance with division (A) (1) or (2) of this section. 34019

(1) If the school was established prior to ~~the effective~~ 34020
~~date of this section~~ June 30, 2005, the plan shall be submitted 34021
to the sponsor on or before September 1, 2005, and on or before 34022
the first day of September in each year thereafter that the 34023
school is in operation. 34024

(2) If the school is established after ~~the effective date~~ 34025
~~of this section~~ June 30, 2005, the plan shall be submitted to 34026
the sponsor prior to the school's receipt of its first payment 34027
under this chapter and on or before the first day of September 34028
in each year thereafter that the school is in operation. 34029

(B) Within thirty days after receiving the plan prescribed 34030
in division (A) of this section, the sponsor of each internet- 34031

or computer-based community school shall certify all of the 34032
following to the department of education and workforce: 34033

(1) A statement of whether the plan received is 34034
satisfactory to the sponsor; 34035

(2) If the plan received is not satisfactory to the 34036
sponsor, the sponsor's assurance that it will promptly assist 34037
the school in developing a plan that is satisfactory to the 34038
sponsor; 34039

(3) The sponsor's assurance that it will monitor the 34040
implementation of the plan; 34041

(4) The sponsor's assurance that it will take any 34042
necessary corrective action to ensure that the school's plan is 34043
properly and fully implemented. 34044

(C) The department shall develop guidelines for the 34045
content and format of the plan required under this section. 34046

Sec. 3314.29. (A) This section applies to any internet- or 34047
computer-based community school that meets all of the following 34048
conditions: 34049

(1) Serves all of grades kindergarten through twelve; 34050

(2) Has an enrollment of at least two thousand students; 34051

(3) Has a sponsor that was not rated ineffective or poor 34052
on its most recent evaluation under section 3314.016 of the 34053
Revised Code. 34054

(B) Beginning with the 2018-2019 school year, the 34055
governing authority of a community school to which this section 34056
applies may adopt a resolution to divide the school into two or 34057
three separate schools as follows: 34058

(1) If the school is divided into two schools, one school shall serve grades kindergarten through eight and one school shall serve grades nine through twelve.

(2) If the school is divided into three schools, one school shall serve grades kindergarten through five, one school shall serve grades six through eight, and one school shall serve grades nine through twelve.

(C) The resolution adopted by the governing authority shall not be effective unless approved by the school's sponsor. Following approval of the resolution by the sponsor, and by the fifteenth day of March prior to the school year in which it will take effect, the governing authority shall file the resolution with the department of education and workforce. The division of the schools shall be effective on the first day of July succeeding the date the resolution is filed with the department.

(D) All of the following shall apply to each new school created as a result of the resolution authorized by this section and to the school that is divided as a result of the resolution:

(1) Each school shall have the same governing authority.

(2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school.

(3) No school shall primarily serve students enrolled in a dropout prevention and recovery program operated by the school.

(4) No school shall be permitted to divide again under this section.

(5) Notwithstanding anything to the contrary in division (B) (2) of section 3314.016 of the Revised Code, each school

shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the evaluation system prescribed by that section.

(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section.

(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division.

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.	34116
(b) The school satisfies all of the following conditions:	34117
(i) The school offers any of grade levels four to eight	34118
but does not offer a grade level higher than nine.	34119
(ii) The school has been declared to be in a state of	34120
academic emergency under section 3302.03 of the Revised Code for	34121
two of the three most recent school years.	34122
(iii) In at least two of the three most recent school	34123
years, the school showed less than one standard year of academic	34124
growth in either reading or mathematics, as determined by the	34125
department of education <u>and workforce</u> in accordance with rules	34126
adopted under division (A) of section 3302.021 of the Revised	34127
Code.	34128
(c) The school offers any of grade levels ten to twelve	34129
and has been declared to be in a state of academic emergency	34130
under section 3302.03 of the Revised Code for three of the four	34131
most recent school years.	34132
(2) Except as provided in division (A) (4) of this section,	34133
this section applies to any community school that meets one of	34134
the following criteria after July 1, 2011, but before July 1,	34135
2013:	34136
(a) The school does not offer a grade level higher than	34137
three and has been declared to be in a state of academic	34138
emergency under section 3302.03 of the Revised Code for two of	34139
the three most recent school years.	34140
(b) The school satisfies all of the following conditions:	34141
(i) The school offers any of grade levels four to eight	34142
but does not offer a grade level higher than nine.	34143

(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. 34144
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(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 in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 34147
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(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 two of the three most recent school years. 34152
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(3) Except as provided in division (A) (4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013: 34156
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(a) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies any of the following criteria: 34159
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 34162
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(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 34165
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(iii) The school has received a performance rating of one star for early literacy under division (D) (3) (e) of section 3302.03 of the Revised Code; 34168
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(iv) The school has received an overall performance rating 34171

of less than two stars under division (D) (3) of section 3302.03 34172
of the Revised Code; 34173

(v) The school has received an overall grade of "F" under 34174
division (C) of section 3302.03 of the Revised Code. 34175

(b) The school offers any of grade levels four to eight 34176
but does not offer a grade level higher than nine and, for the 34177
three most recent school years, satisfies any of the following 34178
criteria: 34179

(i) The school has been declared to be in a state of 34180
academic emergency under section 3302.03 of the Revised Code, as 34181
it existed prior to March 22, 2013, and the school showed less 34182
than one standard year of academic growth in either reading or 34183
mathematics, as determined by the department in accordance with 34184
rules adopted under division (A) of section 3302.021 of the 34185
Revised Code; 34186

(ii) The school has received a grade of "F" for the 34187
performance index score under division (A) (1) (b), (B) (1) (b), or 34188
(C) (1) (b) and a grade of "F" for the value-added progress 34189
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 34190
section 3302.03 of the Revised Code; 34191

(iii) The school has received a performance rating of one 34192
star for both achievement under division (D) (3) (b) of section 34193
3302.03 of the Revised Code and progress under division (D) (3) 34194
(c) of that section; 34195

(iv) The school has received an overall grade of "F" under 34196
division (C) and a grade of "F" for the value-added progress 34197
dimension under division (C) (1) (e) of section 3302.03 of the 34198
Revised Code; 34199

(v) The school has received an overall performance rating 34200

of less than two stars under division (D) of section 3302.03 of 34201
the Revised Code and a performance rating of one star for 34202
progress under division (D) (3) (c) of that section. 34203

(c) The school offers any of grade levels ten to twelve 34204
and, for the three most recent school years, satisfies any of 34205
the following criteria: 34206

(i) The school has been declared to be in a state of 34207
academic emergency under section 3302.03 of the Revised Code, as 34208
it existed prior to March 22, 2013; 34209

(ii) The school has received a grade of "F" for the 34210
performance index score under division (A) (1) (b), (B) (1) (b), or 34211
(C) (1) (b) and has not met annual measurable objectives under 34212
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 34213
of the Revised Code; 34214

(iii) The school has received a performance rating of "one 34215
star" for achievement under division (D) (3) (b) of section 34216
3302.03 of the Revised Code and has not met annual measurable 34217
objectives for gap closing under division (D) (3) (a) of that 34218
section, as determined by the department; 34219

(iv) The school has received an overall grade of "F" under 34220
division (C) and a grade of "F" for the value-added progress 34221
dimension under division (C) (1) (e) of section 3302.03 of the 34222
Revised Code; 34223

(v) The school has received an overall performance rating 34224
of less than two stars under division (D) of section 3302.03 of 34225
the Revised Code and a performance rating of one star for 34226
progress under division (D) (1) (b) of that section. 34227

For purposes of division (A) (3) of this section only, the 34228
department ~~of education~~ shall calculate the value-added progress 34229

dimension for a community school using assessment scores for 34230
only those students to whom the school has administered the 34231
achievement assessments prescribed by section 3301.0710 of the 34232
Revised Code for at least the two most recent school years but 34233
using value-added data from only the most recent school year. 34234

(4) This section does not apply to either of the 34235
following: 34236

(a) Any community school in which a majority of the 34237
students are enrolled in a dropout prevention and recovery 34238
program that is operated by the school. Rather, such schools 34239
shall be subject to closure only as provided in section 3314.351 34240
of the Revised Code. However, prior to July 1, 2014, a community 34241
school in which a majority of the students are enrolled in a 34242
dropout prevention and recovery program shall be exempt from 34243
this section only if it has been granted a waiver under section 34244
3314.36 of the Revised Code. 34245

(b) Any community school in which a majority of the 34246
enrolled students are children with disabilities receiving 34247
special education and related services in accordance with 34248
Chapter 3323. of the Revised Code. 34249

(B) Any community school to which this section applies 34250
shall permanently close at the conclusion of the school year in 34251
which the school first becomes subject to this section. The 34252
sponsor and governing authority of the school shall comply with 34253
all procedures for closing a community school adopted by the 34254
department under division (E) of section 3314.015 of the Revised 34255
Code. The governing authority of the school shall not enter into 34256
a contract with any other sponsor under section 3314.03 of the 34257
Revised Code after the school closes. 34258

(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 34317
Revised Code; 34318

(B) Community schools that are at risk of becoming subject 34319
to permanent closure under section 3314.35 or 3314.351 of the 34320
Revised Code if their academic performance, as prescribed in 34321
those sections, does not improve on the next state report cards 34322
issued under section 3302.03 or 3314.017 of the Revised Code. 34323

~~On and after the effective date of this amendment, the~~ The 34324
department of education and workforce shall not adopt any rules, 34325
enforce any procedures or policies, or otherwise restrict the 34326
establishment or sponsorship of a new start-up community school 34327
based upon whether the school's proposed location is in a 34328
challenged school district. 34329

Sec. 3314.354. Not later than the thirty-first day of July 34330
of each year, the department of education and workforce shall 34331
submit preliminary data on community schools at risk of becoming 34332
subject to permanent closure under section 3314.35 or 3314.351 34333
of the Revised Code. 34334

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 34335
not apply to any community school in which a majority of the 34336
students are enrolled in a dropout prevention and recovery 34337
program that is operated by the school and that has been granted 34338
a waiver by the former department of education prior to July 1, 34339
2014. ~~Until June 30, 2014, the department shall grant a waiver~~ 34340
~~to a dropout prevention and recovery program, within sixty days~~ 34341
~~after the program applies for the waiver, if the program meets~~ 34342
~~all of the following conditions:~~ 34343

~~(1) The program serves only students not younger than~~ 34344
~~sixteen years of age and not older than twenty one years of age.~~ 34345

~~(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.~~ 34346
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~~(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B) (1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division (D) (5) of section 3301.0712 of the Revised Code, division (B) (2) of that section.~~ 34351
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~~(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.~~ 34357
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~~(5) The program provides counseling and support for the student related to the plan developed under division (A) (4) of this section during the remainder of the student's high school experience.~~ 34361
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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.~~ 34365
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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.~~ 34370
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~~(B) Notwithstanding division (A) of this section, the~~ 34374

~~department shall not grant a waiver to any community school that~~ 34375
~~did not qualify for a waiver under this section when it~~ 34376
~~initially began operations, unless the state board of education~~ 34377
~~approves the waiver.~~ 34378

~~(C) Beginning on July 1, 2014, all All community schools~~ 34379
in which a majority of the students are enrolled in a dropout 34380
prevention and recovery program are subject to the provisions of 34381
section 3314.351 of the Revised Code, regardless of whether a 34382
waiver has been granted under this section prior to July 1, 34383
2014. Thereafter, no waivers shall be granted under this 34384
section. 34385

Sec. 3314.38. (A) An individual who is at least twenty-two 34386
years of age and who is an eligible individual as defined in 34387
section 3317.23 of the Revised Code may enroll for up to two 34388
consecutive school years in a dropout prevention and recovery 34389
program operated by a community school that is designed to allow 34390
enrollees to earn a high school diploma. An individual enrolled 34391
under this division may elect to satisfy the requirements to 34392
earn a high school diploma by successfully completing a 34393
competency-based educational program, as defined in section 34394
3317.23 of the Revised Code, that complies with the standards 34395
adopted by the department of education and workforce under 34396
section 3317.231 of the Revised Code. The community school shall 34397
report that individual's enrollment on a full-time equivalency 34398
basis to the department. This report shall be in addition to the 34399
report required under division (B) of section 3314.08 of the 34400
Revised Code. An individual enrolled under this division shall 34401
not be assigned to classes or settings with students who are 34402
younger than eighteen years of age. 34403

(B) (1) For each community school that enrolls individuals 34404

under division (A) of this section, the department annually 34405
shall certify the enrollment and attendance, on a full-time 34406
equivalency basis, of each individual reported by the school 34407
under that division. 34408

(2) For each individual enrolled in a community school 34409
under division (A) of this section, the department annually 34410
shall pay the community school up to \$5,000, as determined by 34411
the department based on the extent of the individual's 34412
successful completion of the graduation requirements prescribed 34413
under division (A) (11) (f) of section 3314.03 of the Revised 34414
Code. 34415

(C) A community school that enrolls individuals under 34416
division (A) of this section shall be subject to the program 34417
administration standards adopted by the department under section 34418
3317.231 of the Revised Code, as applicable. 34419

Sec. 3314.50. No community school shall initiate 34420
operation, on or after the effective date of this amendment, 34421
unless the governing authority of the school has posted a bond 34422
in the amount of fifty thousand dollars with the auditor of 34423
state. The bond shall be used, in the event the school closes, 34424
to pay the auditor of state any moneys owed or that become owed 34425
by the school for the costs of audits conducted by the auditor 34426
of state or a public accountant under Chapter 117. of the 34427
Revised Code. 34428

The department of education and workforce shall notify the 34429
auditor of state of the proposed initiation of operations of any 34430
community school and shall provide the auditor of state with the 34431
certification of the sponsor of the community school of the 34432
compliance by the community school with all legal preconditions 34433
to the initiation of its operations, including compliance with 34434

this section. 34435

In lieu of the bond, the governing authority of the 34436
school, the school's sponsor, or an operator that has a contract 34437
with the school may deposit with the auditor of state cash in 34438
the amount of fifty thousand dollars as guarantee of payment 34439
under the provisions of this section. In lieu of a bond or a 34440
cash deposit, the school's sponsor or an operator that has a 34441
contract with the school may provide a written guarantee of 34442
payment, which shall obligate the school's sponsor or the 34443
operator that provides the written guarantee to pay the cost of 34444
audits of the school under this section up to the amount of 34445
fifty thousand dollars. Any such written guarantee shall be 34446
binding upon any successor entity that enters into a contract to 34447
sponsor or to operate the school, and any such entity, as a 34448
condition of its undertaking shall acknowledge and accept such 34449
obligation. 34450

In the event that a sponsor or operator has provided a 34451
written guarantee under this section, and, subsequent to the 34452
provision of the guarantee, the governing authority of the 34453
school posts a bond under this section, or the governing 34454
authority of the school, a sponsor, or an operator provides a 34455
cash deposit of fifty thousand dollars as required, the written 34456
guarantee shall cease to be of further effect. 34457

As soon as it is practicable to do so after the filing of 34458
a bond or the deposit of cash, the auditor of state shall 34459
deliver the bond or cash to the treasurer of state, who shall 34460
hold it in trust for the purposes prescribed in this section. 34461
The treasurer of state shall be responsible for the safekeeping 34462
of all bonds filed or cash deposited under this section. The 34463
auditor of state shall notify the department ~~of education~~ when 34464

the school's governing authority has filed the bond, deposited 34465
the cash guarantee, or submitted a written guarantee of payment. 34466

When the auditor of state conducts an audit of a community 34467
school that has closed and is subject to the requirements of 34468
this section, the auditor of state shall certify the amount of 34469
forfeiture to the treasurer of state, who shall assess the bond 34470
for the costs of the audit or shall pay money from the named 34471
insurer or from the school's cash deposit for the costs of the 34472
audit to reimburse the auditor of state or public accountant for 34473
costs incurred in conducting audits of the school. 34474

To the extent that the amount of the bond or the cash 34475
deposit is not needed to cover audit costs, the bond shall be of 34476
no further effect, and any cash balance shall be refunded by the 34477
treasurer of state to the entity which provided the bond. When 34478
the auditor of state conducts an audit of a community school 34479
that has closed and is subject to the requirements of this 34480
section, and, as to which, a written guarantee has been given 34481
under this section, the entity that provided the guarantee shall 34482
be solely and fully liable for any such audit costs, and shall 34483
promptly pay the costs of the audit up to fifty thousand 34484
dollars. 34485

No community school that is subject to the provisions of 34486
this section shall maintain or continue its operations absent 34487
the ongoing provision of a bond, a cash deposit, or a written 34488
guarantee as required by this section. 34489

Sec. 3314.51. (A) If the auditor of state or a public 34490
accountant, under section 117.41 of the Revised Code, declares a 34491
community school to be unauditabile, the auditor of state shall 34492
provide written notification of that declaration to the school, 34493
the school's sponsor, and the department of education and 34494

workforce. The auditor of state also shall post the notification 34495
on the auditor of state's web site. 34496

(B) If the community school's current fiscal officer held 34497
that position during the period for which the school is 34498
unauditable, upon receipt of the notification under division (A) 34499
of this section, the governing authority of the school shall 34500
suspend the fiscal officer until the auditor of state or a 34501
public accountant has completed an audit of the school, except 34502
that if the school has an operator and the operator employs the 34503
fiscal officer, the operator shall suspend the fiscal officer 34504
for that period. Suspension of the fiscal officer may be with or 34505
without pay, as determined by the entity imposing the suspension 34506
based on the circumstances that prompted the auditor of state's 34507
declaration. The entity imposing the suspension shall appoint a 34508
person to assume the duties of the fiscal officer during the 34509
period of the suspension. If the appointee is not licensed as a 34510
treasurer under section 3301.074 of the Revised Code, the 34511
appointee shall be approved by the ~~superintendent of public~~ 34512
~~instruction~~ director of education and workforce before assuming 34513
the duties of the fiscal officer. The state board of education 34514
may take action under section 3319.31 of the Revised Code to 34515
suspend, revoke, or limit the license of a fiscal officer who 34516
has been suspended under this division. 34517

(C) Notwithstanding any provision to the contrary in this 34518
chapter or in any other provision of law, the sponsor of the 34519
community school shall not enter into contracts with any 34520
additional community schools under section 3314.03 of the 34521
Revised Code between ninety days after the date of the 34522
declaration under division (A) of this section and the date the 34523
auditor of state or a public accountant has completed a 34524
financial audit of the school. 34525

(D) Not later than forty-five days after receiving the notification under division (A) of this section, the sponsor of the community school shall provide a written response to the auditor of state. The sponsor shall provide a copy of the response to the community school. The response shall include the following:

(1) An overview of the process the sponsor will use to review and understand the circumstances that led to the community school becoming unauditabile;

(2) A plan for providing the auditor of state with the documentation necessary to complete an audit of the community school and for ensuring that all financial documents are available in the future;

(3) The actions the sponsor will take to ensure that the plan described in division (D) (2) of this section is implemented.

(E) If the community school fails to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditabile condition within ninety days after being declared unauditabile, the auditor of state, in addition to requesting legal action under sections 117.41 and 117.42 of the Revised Code, shall notify the school's sponsor and the department of the school's failure. If the auditor of state or a public accountant subsequently is able to complete a financial audit of the school, the auditor of state shall notify the school's sponsor and the department that the audit has been completed.

(F) Notwithstanding any provision to the contrary in this chapter or in any other provision of law, upon notification by

the auditor of state under division (E) of this section that the 34555
community school has failed to make reasonable efforts and 34556
continuing progress to bring its accounts, records, files, or 34557
reports into an auditable condition, the department shall 34558
immediately cease all payments to the school under this chapter 34559
and any other provision of law. Upon subsequent notification 34560
from the auditor of state under that division that the auditor 34561
of state or a public accountant was able to complete a financial 34562
audit of the community school, the department shall release all 34563
funds withheld from the school under this section. 34564

Sec. 3315.18. (A) The board of education of each city, 34565
exempted village, local, and joint vocational school district 34566
shall establish a capital and maintenance fund. Each board 34567
annually shall deposit into that fund an amount derived from 34568
revenues received by the district that would otherwise have been 34569
deposited in the general fund that is equal to three per cent of 34570
the statewide average base cost per pupil for the preceding 34571
fiscal year, as defined in section 3317.02 of the Revised Code, 34572
or another percentage if established by the auditor of state 34573
under division (B) of this section, multiplied by the district's 34574
student population for the preceding fiscal year, except that 34575
money received from a permanent improvement levy authorized by 34576
section 5705.21 of the Revised Code may replace general revenue 34577
moneys in meeting the requirements of this section. Money in the 34578
fund shall be used solely for acquisition, replacement, 34579
enhancement, maintenance, or repair of permanent improvements, 34580
as that term is defined in section 5705.01 of the Revised Code. 34581
Any money in the fund that is not used in any fiscal year shall 34582
carry forward to the next fiscal year. 34583

(B) The ~~state superintendent of public instruction~~ 34584
director of education and workforce and the auditor of state 34585

jointly shall adopt rules in accordance with Chapter 119. of the 34586
Revised Code defining what constitutes expenditures permitted by 34587
division (A) of this section. The auditor of state may designate 34588
a percentage, other than three per cent, of the statewide 34589
average base cost per pupil multiplied by the district's student 34590
population that must be deposited into the fund. 34591

(C) Within its capital and maintenance fund, a school 34592
district board of education may establish a separate account 34593
solely for the purpose of depositing funds transferred from the 34594
district's reserve balance account established under former 34595
division (H) of section 5705.29 of the Revised Code. After April 34596
10, 2001, a board may deposit all or part of the funds formerly 34597
included in such reserve balance account in the separate account 34598
established under this section. Funds deposited in this separate 34599
account and interest on such funds shall be utilized solely for 34600
the purpose of providing the district's portion of the basic 34601
project costs of any project undertaken in accordance with 34602
Chapter 3318. of the Revised Code. 34603

(D) (1) Notwithstanding division (A) of this section, in 34604
any year a district is in fiscal emergency status as declared 34605
pursuant to section 3316.03 of the Revised Code, the district 34606
may deposit an amount less than required by division (A) of this 34607
section, or make no deposit, into the district capital and 34608
maintenance fund for that year. 34609

(2) Notwithstanding division (A) of this section, in any 34610
fiscal year that a school district is either in fiscal watch 34611
status, as declared pursuant to section 3316.03 of the Revised 34612
Code, or in fiscal caution status, as declared pursuant to 34613
section 3316.031 of the Revised Code, the district may apply to 34614
the ~~superintendent of public instruction~~ director of education 34615

and workforce for a waiver from the requirements of division (A) 34616
of this section, under which the district may be permitted to 34617
deposit an amount less than required by that division or 34618
permitted to make no deposit into the district capital and 34619
maintenance fund for that year. The ~~superintendent~~ director may 34620
grant a waiver under division (D) (2) of this section if the 34621
district demonstrates to the satisfaction of the ~~superintendent~~ 34622
director that compliance with division (A) of this section that 34623
year will create an undue financial hardship on the district. 34624

(3) Notwithstanding division (A) of this section, not more 34625
often than one fiscal year in every three consecutive fiscal 34626
years, any school district that does not satisfy the conditions 34627
for the exemption described in division (D) (1) of this section 34628
or the conditions to apply for the waiver described in division 34629
(D) (2) of this section may apply to the ~~superintendent of public~~ 34630
~~instruction~~ director for a waiver from the requirements of 34631
division (A) of this section, under which the district may be 34632
permitted to deposit an amount less than required by that 34633
division or permitted to make no deposit into the district 34634
capital and maintenance fund for that year. The ~~superintendent~~ 34635
director may grant a waiver under division (D) (3) of this 34636
section if the district demonstrates to the satisfaction of the 34637
~~superintendent~~ director that compliance with division (A) of 34638
this section that year will necessitate the reduction or 34639
elimination of a program currently offered by the district that 34640
is critical to the academic success of students of the district 34641
and that no reasonable alternatives exist for spending 34642
reductions in other areas of operation within the district that 34643
negate the necessity of the reduction or elimination of that 34644
program. 34645

(E) Notwithstanding any provision to the contrary in 34646

Chapter 4117. of the Revised Code, the requirements of this 34647
section prevail over any conflicting provisions of agreements 34648
between employee organizations and public employers entered into 34649
after November 21, 1997. 34650

(F) As used in this section, "student population" means 34651
the average, daily, full-time equivalent number of students in 34652
kindergarten through twelfth grade receiving any educational 34653
services from the school district during the first full school 34654
week in October, excluding students enrolled in adult education 34655
classes, but including all of the following: 34656

(1) Adjacent or other district students enrolled in the 34657
district under an open enrollment policy pursuant to section 34658
3313.98 of the Revised Code; 34659

(2) Students receiving services in the district pursuant 34660
to a compact, cooperative education agreement, or a contract, 34661
but who are entitled to attend school in another district 34662
pursuant to section 3313.64 or 3313.65 of the Revised Code; 34663

(3) Students for whom tuition is payable pursuant to 34664
sections 3317.081 and 3323.141 of the Revised Code. 34665

The department of education and workforce shall determine 34666
a district's student population using data reported to it under 34667
section 3317.03 of the Revised Code for the applicable fiscal 34668
year. 34669

Sec. 3315.181. As used in this section, "securities" has 34670
the same meaning as in section 133.01 of the Revised Code. 34671

Notwithstanding division (A) of section 3315.18 of the 34672
Revised Code, the board of education of a city, exempted 34673
village, local, or joint vocational school district, in meeting 34674
the amount required by that division to be deposited in the 34675

district's capital and maintenance fund, may replace general 34676
fund revenues with proceeds received from a permanent 34677
improvement levy authorized by section 5705.21 of the Revised 34678
Code only to the extent the proceeds are available to be used 34679
for the acquisition, replacement, enhancement, maintenance, or 34680
repair of permanent improvements as defined in section 5705.01 34681
of the Revised Code. In addition, the board may replace general 34682
fund revenues with proceeds received from any of the following 34683
sources in meeting the amount required by that division to be 34684
deposited in the fund: 34685

(A) Proceeds received from any securities whose use is 34686
limited to the acquisition, replacement, enhancement, 34687
maintenance, or repair of permanent improvements; 34688

(B) Insurance proceeds received as a result of the damage 34689
to or theft or destruction of a permanent improvement to the 34690
extent a board of education places the proceeds in a separate 34691
fund for the acquisition, replacement, enhancement, maintenance, 34692
or repair of permanent improvements; 34693

(C) Proceeds received from the sale of a permanent 34694
improvement to the extent the proceeds are paid into a separate 34695
fund for the construction or acquisition of permanent 34696
improvements; 34697

(D) Proceeds received from a tax levy authorized by 34698
section 3318.06 of the Revised Code to the extent the proceeds 34699
are available to be used for the maintenance of capital 34700
facilities; 34701

(E) Proceeds of certificates of participation issued as 34702
part of a lease-purchase agreement entered into under section 34703
3313.375 of the Revised Code; 34704

(F) Proceeds of any school district income tax levied 34705
under Chapter 5748. of the Revised Code for permanent 34706
improvements, to the extent the proceeds are available for the 34707
acquisition, replacement, enhancement, maintenance, or repair of 34708
permanent improvements; 34709

(G) Any other revenue source identified by the auditor of 34710
state, in consultation with the department of education and 34711
workforce, in rules adopted by the auditor of state. 34712

Sec. 3315.33. There is hereby established a fund to be 34713
known as the Ohio scholarship fund for teacher trainees for the 34714
public purpose of relieving the existing teacher shortage in 34715
public schools, to be administered and expended as prescribed in 34716
sections 3315.33 to 3315.35 of the Revised Code. Appropriations 34717
by the general assembly for the purpose of scholarships for 34718
teacher trainees shall be paid into this fund. 34719

Each scholarship for a teacher trainee shall have a 34720
maximum value of five hundred dollars annually and shall be 34721
awarded as follows: 34722

(A) The ~~state board~~ department of education and workforce 34723
shall prescribe standards and requirements which shall be met by 34724
persons who are eligible for such scholarships. Scholarships 34725
shall be allocated among the counties of the state on an 34726
equitable basis by the ~~state board of education~~ department, 34727
provided that not less than three such scholarships shall be 34728
available annually to residents of each county of the state. If, 34729
on the first day of September in each year, the ~~state board of~~ 34730
~~education~~ department finds that the number of eligible persons 34731
recommended from any county is less than the number of 34732
scholarships allocated to that county, it may reallocate the 34733
remaining scholarships among the counties in which the number of 34734

eligible persons exceeds the number of scholarships allocated. 34735
Such reallocation as may affect a county in one year shall not 34736
prejudice in any way the allocation to it in succeeding years. 34737

(B) In accordance with the requirements of sections 34738
3315.33, 3315.34, and 3315.35 of the Revised Code, the 34739
educational service center superintendent in each educational 34740
service center as committee chairperson shall appoint a 34741
committee consisting of one high school principal, one 34742
elementary school principal, and one classroom teacher. This 34743
committee shall select and recommend, on the basis of merit, a 34744
number of high school graduates, not to exceed the number 34745
allocated to each county by the ~~state board of education~~ 34746
department, who are interested in teaching and whose work and 34747
qualifications are such as to indicate that they possess the 34748
qualities which should be possessed by a successful teacher. 34749
Such persons shall not have previously been enrolled in any 34750
college of education or have majored in education in any college 34751
or university. Such other college training shall be considered 34752
in determining such person's qualifications to become a 34753
successful teacher. 34754

(C) The scholarship fund for teacher trainees shall be 34755
disbursed to scholarship holders upon their application as 34756
approved by the ~~state board of education~~ department upon 34757
vouchers for that purpose. Such scholarships shall be paid in 34758
equal installments at the beginning of each quarter or semester 34759
while college is in session to each person who has been awarded 34760
such a scholarship when the following requirements are met: 34761

(1) Such person shall be a bona fide student in the 34762
college of education or department of teacher training in an 34763
Ohio institution of higher learning. 34764

(2) Such person shall pursue a course of study in elementary education in said college of education or department of teacher training approved by the ~~state board of education~~ department of education and workforce.

Sec. 3315.34. Each person who receives a scholarship shall execute a promissory note which shall be endorsed by some responsible citizen, and shall deliver said note to the ~~state board department~~ of education and workforce or to its representative. Each such note shall be made payable to the treasurer of state for the amount of the quarterly or semi-annual payment, and shall bear interest at the rate of five per cent per annum from the date of the note. The ~~state board of education department~~ shall hold said note until it has been paid or cancelled as prescribed in section 3315.35 of the Revised Code.

Each person awarded a scholarship under the terms of sections 3315.33 to 3315.35 of the Revised Code shall be eligible upon the completion of satisfactory work during the first year, under rules and regulations promulgated by the ~~state board of education department~~, to have the scholarship renewed for a period not to exceed one additional year.

Sec. 3315.35. At the expiration of each school year of service as a teacher in the public schools of Ohio by a person who has benefited from a scholarship granted under sections 3315.33 to 3315.35 of the Revised Code, such person shall submit to the ~~state board department~~ of education and workforce a statement of service on a form provided for that purpose and certified by the superintendent of the school district in which the person has taught. Upon receipt of such statement in proper form, the board shall cancel the oldest notes given by such

person covering the scholarship for one year and the interest 34795
accrued thereon. If for any reason a recipient of a scholarship 34796
ceases or, after licensure, fails to teach in the public schools 34797
of Ohio, except for death or total disability, or fails to file 34798
with the board by July first of each year a statement concerning 34799
the recipient's previous year's employment and address for the 34800
ensuing year, any and all unpaid or uncanceled notes and 34801
interest thereon shall become due and payable and the board 34802
shall transmit all such notes promptly to the treasurer of state 34803
and the treasurer of state shall enforce collection of the 34804
principal amount of any uncanceled or unpaid notes held by the 34805
treasurer of state and the interest thereon and shall deposit 34806
said sums so collected in the general revenue fund. 34807

Sec. 3316.03. (A) The existence of a fiscal watch shall be 34808
declared by the auditor of state. The auditor of state may make 34809
a determination on the auditor of state's initiative, or upon 34810
receipt of a written request for such a determination, which may 34811
be filed by the governor, the ~~superintendent of public~~ 34812
~~instruction~~ director of education and workforce, or a majority of 34813
the members of the board of education of the school district. 34814

(1) The auditor of state shall declare a school district 34815
to be in a state of fiscal watch if the auditor of state 34816
determines that both of the following conditions are satisfied 34817
with respect to the school district: 34818

(a) An operating deficit has been certified for the 34819
current fiscal year by the auditor of state, and the certified 34820
operating deficit exceeds eight per cent of the school 34821
district's general fund revenue for the preceding fiscal year; 34822

(b) A majority of the voting electors have not voted in 34823
favor of levying a tax under section 5705.194, 5705.199, or 34824

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 (A) (1) (a) of this section will not apply to the district in such next succeeding fiscal year.

(2) The auditor of state shall declare a school district to be in a state of fiscal watch if the auditor of state determines that the school district has outstanding securities issued under division (A) (4) of section 3316.06 of the Revised Code, and its financial planning and supervision commission has been terminated under section 3316.16 of the Revised Code.

(3) The auditor of state shall declare a school district to be in a state of fiscal watch if both of the following conditions are satisfied:

(a) The ~~superintendent of public instruction~~ director has reported to the auditor of state that the ~~superintendent~~ director has declared the district under section 3316.031 of the Revised Code to be under a fiscal caution, has found that the district has not acted reasonably to eliminate or correct practices or conditions that prompted the declaration, and has determined the declaration of a state of fiscal watch necessary to prevent further fiscal decline;

(b) The auditor of state determines that the decision of the ~~superintendent~~ director is reasonable.

If the auditor of state determines that the decision of the ~~superintendent~~ director is not reasonable, the auditor of state shall provide the ~~superintendent~~ director with a written explanation of that determination.

(4) The auditor of state may declare a school district to

be in a state of fiscal watch if all of the following conditions 34854
are satisfied: 34855

(a) An operating deficit has been certified for the 34856
current fiscal year by the auditor of state, and the certified 34857
operating deficit exceeds two per cent, but does not exceed 34858
eight per cent, of the school district's general fund revenue 34859
for the preceding fiscal year; 34860

(b) A majority of the voting electors have not voted in 34861
favor of levying a tax under section 5705.194, 5705.199, or 34862
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34863
state expects will raise enough additional revenue in the next 34864
succeeding fiscal year that division (A) (4) (a) of this section 34865
will not apply to the district in the next succeeding fiscal 34866
year; 34867

(c) The auditor of state determines that there is no 34868
reasonable cause for the deficit or that the declaration of 34869
fiscal watch is necessary to prevent further fiscal decline in 34870
the district. 34871

(B) (1) The auditor of state shall issue an order declaring 34872
a school district to be in a state of fiscal emergency if the 34873
auditor of state determines that both of the following 34874
conditions are satisfied with respect to the school district: 34875

(a) An operating deficit has been certified for the 34876
current fiscal year by the auditor of state, and the certified 34877
operating deficit exceeds fifteen per cent of the school 34878
district's general fund revenue for the preceding fiscal year. 34879

(b) A majority of the voting electors have not voted in 34880
favor of levying a tax under section 5705.194, 5705.199, or 34881
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34882

state expects will raise enough additional revenue in the next 34883
succeeding fiscal year that division (B) (1) (a) of this section 34884
will not apply to the district in such next succeeding fiscal 34885
year. 34886

(2) The auditor of state shall issue an order declaring a 34887
school district to be in a state of fiscal emergency if the 34888
school district board fails, pursuant to section 3316.04 of the 34889
Revised Code, to submit a plan acceptable to the ~~state~~ 34890
~~superintendent of public instruction~~ director of education and 34891
workforce within one hundred twenty days of the auditor of 34892
state's declaration under division (A) of this section or an 34893
updated plan when one is required by division (C) of section 34894
3316.04 of the Revised Code; 34895

(3) The auditor of state shall issue an order declaring a 34896
school district to be in a state of fiscal emergency if both of 34897
the following conditions are satisfied: 34898

(a) The ~~superintendent of public instruction~~ director has 34899
reported to the auditor of state that the district is not 34900
materially complying with the provisions of an original or 34901
updated plan as approved by the ~~state superintendent~~ director 34902
under section 3316.04 of the Revised Code, and that the ~~state~~ 34903
~~superintendent~~ director has determined the declaration of a 34904
state of fiscal emergency necessary to prevent further fiscal 34905
decline; 34906

(b) The auditor of state finds that the determination of 34907
the ~~superintendent~~ director is reasonable. 34908

If the auditor of state determines that the decision of 34909
the ~~superintendent~~ director is not reasonable, the auditor of 34910
state shall provide the ~~superintendent~~ director a written 34911

explanation of that determination. 34912

(4) The auditor of state shall issue an order declaring a 34913
school district to be in a state of fiscal emergency if a 34914
declaration of fiscal emergency is required by division (D) of 34915
section 3316.04 of the Revised Code. 34916

(5) The auditor of state may issue an order declaring a 34917
school district to be in a state of fiscal emergency if all of 34918
the following conditions are satisfied: 34919

(a) An operating deficit has been certified for the 34920
current fiscal year by the auditor of state, and the certified 34921
operating deficit exceeds ten per cent, but does not exceed 34922
fifteen per cent, of the school district's general fund revenue 34923
for the preceding fiscal year; 34924

(b) A majority of the voting electors have not voted in 34925
favor of levying a tax under section 5705.194, 5705.199, or 34926
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34927
state expects will raise enough additional revenue in the next 34928
succeeding fiscal year that division (B) (5) (a) of this section 34929
will not apply to the district in the next succeeding fiscal 34930
year; 34931

(c) The auditor of state determines that a declaration of 34932
fiscal emergency is necessary to correct the district's fiscal 34933
problems and to prevent further fiscal decline. 34934

(C) In making the determinations under this section, the 34935
auditor of state may use financial reports required under 34936
section 117.43 of the Revised Code; tax budgets, certificates of 34937
estimated resources and amendments thereof, annual appropriating 34938
measures and spending plans, and any other documents or 34939
information prepared pursuant to Chapter 5705. of the Revised 34940

Code; and any other documents, records, or information available 34941
to the auditor of state that indicate the conditions described 34942
in divisions (A) and (B) of this section. 34943

(D) The auditor of state shall certify the action taken 34944
under division (A) or (B) of this section to the board of 34945
education of the school district, the director of budget and 34946
management, the mayor or county auditor who could be required to 34947
act pursuant to division (B) (1) of section 3316.05 of the 34948
Revised Code, and to the ~~superintendent of public~~ 34949
~~instruction~~ director of education and workforce. 34950

(E) A determination by the auditor of state under this 34951
section that a fiscal emergency condition does not exist is 34952
final and conclusive and not appealable. A determination by the 34953
auditor of state under this section that a fiscal emergency 34954
exists is final, except that the board of education of the 34955
school district affected by such a determination may appeal the 34956
determination of the existence of a fiscal emergency condition 34957
to the court of appeals having territorial jurisdiction over the 34958
school district. The appeal shall be heard expeditiously by the 34959
court of appeals and for good cause shown shall take precedence 34960
over all other civil matters except earlier matters of the same 34961
character. Notice of such appeal must be filed with the auditor 34962
of state and such court within thirty days after certification 34963
by the auditor of state to the board of education of the school 34964
district provided for in division (D) of this section. In such 34965
appeal, determinations of the auditor of state shall be presumed 34966
to be valid and the board of education shall have the burden of 34967
proving, by clear and convincing evidence, that each of the 34968
determinations made by the auditor of state as to the existence 34969
of a fiscal emergency condition under this section was in error. 34970
If the board of education fails, upon presentation of its case, 34971

to prove by clear and convincing evidence that each such 34972
determination by the auditor of state was in error, the court 34973
shall dismiss the appeal. The board of education and the auditor 34974
of state may introduce any evidence relevant to the existence or 34975
nonexistence of such fiscal emergency conditions. The pendency 34976
of any such appeal shall not affect or impede the operations of 34977
this chapter; no restraining order, temporary injunction, or 34978
other similar restraint upon actions consistent with this 34979
chapter shall be imposed by the court or any court pending 34980
determination of such appeal; and all things may be done under 34981
this chapter that may be done regardless of the pendency of any 34982
such appeal. Any action taken or contract executed pursuant to 34983
this chapter during the pendency of such appeal is valid and 34984
enforceable among all parties, notwithstanding the decision in 34985
such appeal. If the court of appeals reverses the determination 34986
of the existence of a fiscal emergency condition by the auditor 34987
of state, the determination no longer has any effect, and any 34988
procedures undertaken as a result of the determination shall be 34989
terminated. 34990

Sec. 3316.031. (A) The ~~state superintendent of public~~ 34991
~~instruction~~ director of education and workforce, in consultation 34992
with the auditor of state, shall develop guidelines for 34993
identifying fiscal practices and budgetary conditions that, if 34994
uncorrected, could result in a future declaration of a fiscal 34995
watch or fiscal emergency within a school district. 34996

The guidelines shall not include a requirement that a 34997
school district submit financial statements according to 34998
generally accepted accounting principles. 34999

(B) (1) If the ~~state superintendent~~ director determines 35000
from a school district's five-year forecast submitted under 35001

section 5705.391 of the Revised Code that a district is engaging 35002
in any of those practices or that any of those conditions exist 35003
within the district, after consulting with the district board of 35004
education concerning the practices or conditions, the ~~state-~~ 35005
~~superintendent-~~director may declare the district to be under a 35006
fiscal caution. 35007

(2) If the auditor of state finds that a district is 35008
engaging in any of those practices or that any of those 35009
conditions exist within the district, the auditor of state shall 35010
report that finding to the ~~state superintendent-~~director and, 35011
after consulting with the district board of education concerning 35012
the practices or conditions, the ~~state superintendent-~~director 35013
may declare the district to be under a fiscal caution. 35014

(3) Unless the auditor of state has elected to declare a 35015
state of fiscal watch under division (A) (4) of section 3316.03 35016
of the Revised Code, the ~~state superintendent-~~director shall 35017
declare a school district to be under a fiscal caution if the 35018
conditions described in divisions (A) (4) (a) and (b) of that 35019
section are both satisfied with respect to the school district. 35020

(C) When the ~~state superintendent-~~director declares a 35021
district to be under fiscal caution, the ~~state superintendent-~~ 35022
director shall promptly notify the district board of education 35023
of that declaration and shall request the board to provide 35024
written proposals for discontinuing or correcting the fiscal 35025
practices or budgetary conditions that prompted the declaration 35026
and for preventing the district from experiencing further fiscal 35027
difficulties that could result in the district being declared to 35028
be in a state of fiscal watch or fiscal emergency. 35029

(D) The ~~state superintendent-~~director, or a designee, may 35030
visit and inspect any district that is declared to be under a 35031

fiscal caution. The department of education and workforce shall 35032
provide technical assistance to the district board in 35033
implementing proposals to eliminate the practices or budgetary 35034
conditions that prompted the declaration of fiscal caution and 35035
may make recommendations concerning the board's proposals. 35036

(E) If the ~~state superintendent~~ director finds that a 35037
school district declared to be under a fiscal caution has not 35038
made reasonable proposals or otherwise taken action to 35039
discontinue or correct the fiscal practices or budgetary 35040
conditions that prompted the declaration of fiscal caution, and 35041
if the ~~state superintendent~~ director considers it necessary to 35042
prevent further fiscal decline, the ~~state superintendent~~ 35043
director may determine that the district should be in a state of 35044
fiscal watch. As provided in division (A) (3) of section 3316.03 35045
of the Revised Code, the auditor of state shall declare the 35046
district to be in a state of fiscal watch if the auditor of 35047
state finds the ~~superintendent's~~ director's determination to be 35048
reasonable. 35049

Sec. 3316.04. (A) Within sixty days of the auditor's 35050
declaration under division (A) of section 3316.03 of the Revised 35051
Code, the board of education of the school district shall 35052
prepare and submit to the ~~superintendent of public instruction~~ 35053
director of education and workforce a financial plan delineating 35054
the steps the board will take to eliminate the district's 35055
current operating deficit and avoid incurring operating deficits 35056
in ensuing years, including the implementation of spending 35057
reductions. The financial plan also shall evaluate the 35058
feasibility of entering into shared services agreements with 35059
other political subdivisions for the joint exercise of any 35060
power, performance of any function, or rendering of any service, 35061
if so authorized by statute. The ~~superintendent of public~~ 35062

~~instruction director~~ shall evaluate the initial financial plan, 35063
and either approve or disapprove it within thirty calendar days 35064
from the date of its submission. If the initial financial plan 35065
is disapproved, the ~~state superintendent director~~ shall 35066
recommend modifications that will render the financial plan 35067
acceptable. No school district board shall implement a financial 35068
plan submitted to the ~~superintendent of public instruction~~ 35069
~~director~~ under this section unless the ~~superintendent director~~ 35070
has approved the plan. 35071

(B) Upon request of the board of education of a school 35072
district declared to be in a state of fiscal watch, the auditor 35073
of state and ~~superintendent of public instruction director~~ shall 35074
provide technical assistance to the board in resolving the 35075
fiscal problems that gave rise to the declaration, including 35076
assistance in drafting the board's financial plan. 35077

(C) A financial plan adopted under this section may be 35078
amended at any time with the approval of the 35079
~~superintendent director~~. The board of education of the school 35080
district shall submit an updated financial plan to the 35081
~~superintendent director~~, for the ~~superintendent's director's~~ 35082
approval, every year that the district is in a state of fiscal 35083
watch. The updated plan shall be submitted in a form acceptable 35084
to the ~~superintendent director~~. The ~~superintendent director~~ shall 35085
approve or disapprove each updated plan no later than the 35086
anniversary of the date on which the first such plan was 35087
approved. 35088

(D) A school district that has restructured or refinanced 35089
a loan under section 3316.041 of the Revised Code shall be 35090
declared to be in a state of fiscal emergency if any of the 35091
following occurs: 35092

(1) An operating deficit is certified for the district 35093
under section 3313.483 of the Revised Code for any year prior to 35094
the repayment of the restructured or refinanced loan; 35095

(2) The ~~superintendent~~director determines, in 35096
consultation with the auditor of state, that the school district 35097
is not satisfactorily complying with the terms of the financial 35098
plan required by this section; 35099

(3) The board of education of the school district fails to 35100
submit an updated plan that is acceptable to the ~~superintendent~~ 35101
director under division (C) of this section. 35102

Sec. 3316.041. (A) Notwithstanding any provision of 35103
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 35104
Code, and subject to the approval of the ~~superintendent of~~ 35105
~~public instruction~~director of education and workforce, a school 35106
district that is in a state of fiscal watch declared under 35107
section 3316.03 of the Revised Code may restructure or refinance 35108
loans obtained or in the process of being obtained under section 35109
3313.483 of the Revised Code if all of the following 35110
requirements are met: 35111

(1) The operating deficit certified for the school 35112
district for the current or preceding fiscal year under section 35113
3313.483 of the Revised Code exceeds fifteen per cent of the 35114
district's general revenue fund for the fiscal year preceding 35115
the year for which the certification of the operating deficit is 35116
made. 35117

(2) The school district voters have, during the period of 35118
the fiscal watch, approved the levy of a tax under section 35119
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 35120
Revised Code that is not a renewal or replacement levy, or a 35121

levy under section 5705.199 of the Revised Code, and that will 35122
provide new operating revenue. 35123

(3) The board of education of the school district has 35124
adopted or amended the financial plan required by section 35125
3316.04 of the Revised Code to reflect the restructured or 35126
refinanced loans, and sets forth the means by which the district 35127
will bring projected operating revenues and expenditures, and 35128
projected debt service obligations, into balance for the life of 35129
any such loan. 35130

(B) Subject to the approval of the ~~superintendent of~~ 35131
~~public instruction~~director, the school district may issue 35132
securities to evidence the restructuring or refinancing 35133
authorized by this section. Such securities may extend the 35134
original period for repayment not to exceed ten years, and may 35135
alter the frequency and amount of repayments, interest or other 35136
financing charges, and other terms or agreements under which the 35137
loans were originally contracted, provided the loans received 35138
under sections 3313.483 of the Revised Code are repaid from 35139
funds the district would otherwise receive under Chapter 3317. 35140
of the Revised Code, as required under division (E) (3) of 35141
section 3313.483 of the Revised Code. Securities issued for the 35142
purpose of restructuring or refinancing under this section shall 35143
be repaid in equal payments and at equal intervals over the term 35144
of the debt and are not eligible to be included in any 35145
subsequent proposal to restructure or refinance. 35146

(C) Unless the district is declared to be in a state of 35147
fiscal emergency under division (D) of section 3316.04 of the 35148
Revised Code, a school district shall remain in a state of 35149
fiscal watch for the duration of the repayment period of any 35150
loan restructured or refinanced under this section. 35151

Sec. 3316.042. The auditor of state, on the auditor of 35152
state's initiative, may conduct a performance audit of a school 35153
district that is under a fiscal caution under section 3316.031 35154
of the Revised Code, in a state of fiscal watch, or in a state 35155
of fiscal emergency, in which the auditor of state reviews any 35156
programs or areas of operation in which the auditor of state 35157
believes that greater operational efficiencies or enhanced 35158
program results can be achieved. 35159

The auditor of state, in consultation with the department 35160
of education and workforce and the office of budget and 35161
management, shall determine for which school districts to 35162
conduct performance audits under this section. Priority shall be 35163
given to districts in fiscal distress, including districts 35164
employing fiscal practices or experiencing budgetary conditions 35165
that could produce a state of fiscal watch or fiscal emergency, 35166
as determined by the auditor of state, in consultation with the 35167
department and the office of budget and management. 35168

The cost of a performance audit conducted under this 35169
section shall be paid by the auditor of state. 35170

A performance audit under this section shall not include 35171
review or evaluation of school district academic performance. 35172

Sec. 3316.05. (A) Pursuant to the powers of the general 35173
assembly and for the purposes of this chapter, upon the 35174
declaration of a fiscal emergency in any school district 35175
pursuant to division (B) of section 3316.03 of the Revised Code, 35176
there is established, with respect to that school district, a 35177
body both corporate and politic constituting an agency and 35178
instrumentality of the state and performing essential 35179
governmental functions of the state to be known as the 35180
"financial planning and supervision commission for _____ 35181

(name of school district)," which, in that name, may exercise 35182
all authority vested in such a commission by this chapter. A 35183
separate commission is established with respect to each school 35184
district as to which there is a fiscal emergency as determined 35185
under this chapter. 35186

(B) A commission appointed after July 1, 1999, shall 35187
consist of five voting members, including women and at least one 35188
Hispanic or African American if Hispanic and African Americans 35189
together constitute at least twenty per cent of the student 35190
population of the district, as follows: 35191

(1) Two ex officio members: the director of budget and 35192
management, or a designee of the director, and the 35193
~~superintendent of public instruction~~director of education and 35194
workforce, or a designee of the ~~superintendent~~director. A 35195
designee, when present, shall be counted in determining whether 35196
a quorum is present at any meeting of the commission and may 35197
vote and participate in all proceedings and actions of the 35198
commission. The designations shall be in writing, executed by 35199
the member making the designation, and filed with the secretary 35200
of the commission. The designations may be changed from time to 35201
time in like manner, but due regard shall be given to the need 35202
for continuity. 35203

(2) Three appointed members, who shall be appointed within 35204
fifteen days after the declaration of the fiscal emergency, one 35205
by the governor, one by the ~~superintendent of public~~ 35206
~~instruction~~director of education and workforce, and one by the 35207
mayor of the municipal corporation with the largest number of 35208
residents living within the school district, except that if more 35209
than fifty per cent of the residents of the district reside 35210
outside the municipal corporation containing the greatest number 35211

of district residents or if there is no municipal corporation 35212
located in the school district, the county auditor of the county 35213
with the largest number of residents living within the school 35214
district shall make the appointment in lieu of a mayor. All of 35215
the appointed members shall serve at the pleasure of the 35216
appointing authority during the life of the commission. In the 35217
event of the death, resignation, incapacity, removal, or 35218
ineligibility to serve of an appointed member, the appointing 35219
authority shall appoint a successor within fifteen days after 35220
the vacancy occurs. 35221

(a) The member appointed by the governor and the member 35222
appointed by the mayor or county auditor shall be an individual: 35223

(i) Who has knowledge and experience in financial matters, 35224
financial management, or business organization or operations, 35225
including at least five years of experience in the public or 35226
private sector in the management of business or financial 35227
enterprise, or in management consulting, public accounting, or 35228
other similar professional activity; 35229

(ii) Whose residency, office, or principal place of 35230
professional or business activity is situated within the school 35231
district. 35232

(b) The member appointed by the ~~superintendent of public~~ 35233
~~instruction director~~ shall be a parent of a child currently 35234
enrolled in a public school within the district. 35235

(c) Immediately after appointment of the initial appointed 35236
members of the commission, the ~~superintendent of public~~ 35237
~~instruction director of education and workforce~~ shall call the 35238
first meeting of the commission and shall cause written notice 35239
of the time, date, and place of the first meeting to be given to 35240

each member of the commission at least forty-eight hours in 35241
advance of the meeting. 35242

(D) The ~~superintendent of public instruction~~ director of 35243
education and workforce shall serve as the commission's 35244
chairperson and the commission shall elect one of its members as 35245
vice-chairperson and may appoint a secretary and any other 35246
officers, who need not be members of the commission, as it 35247
considers necessary. 35248

(E) The commission may adopt and alter bylaws and rules, 35249
which shall not be subject to section 111.15 or Chapter 119. of 35250
the Revised Code, for the conduct of its affairs and for the 35251
manner, subject to this chapter, in which its powers and 35252
functions shall be exercised and embodied. 35253

(F) Three members of the commission constitute a quorum of 35254
the commission. The affirmative vote of three members of the 35255
commission is necessary for any action taken by vote of the 35256
commission. No vacancy in the membership of the commission shall 35257
impair the rights of a quorum by such vote to exercise all the 35258
rights and perform all the duties of the commission. Members of 35259
the commission, and their designees, are not disqualified from 35260
voting by reason of the functions of the other office they hold 35261
and are not disqualified from exercising the functions of the 35262
other office with respect to the school district, its officers, 35263
or the commission. 35264

(G) The auditor of state shall act as the financial 35265
supervisor for the school district under contract with the 35266
commission unless the auditor of state elects to contract for 35267
that service. At the request of the commission the auditor of 35268
state shall designate employees of the auditor of state's office 35269
to assist the commission and to coordinate the work of the 35270

auditor of state's office. Upon the declaration of a fiscal 35271
emergency in any school district, the school district shall 35272
provide the commission with such reasonable office space in the 35273
principal building housing the administrative offices of the 35274
school district, where feasible, as the commission determines is 35275
necessary to carry out its duties under this chapter. 35276

The attorney general shall serve as the legal counsel for 35277
the commission. 35278

(H) The members of the commission, the ~~superintendent of~~ 35279
~~public instruction~~director of education and workforce, the 35280
auditor of state, and any person authorized to act on behalf of 35281
or assist them shall not be personally liable or subject to any 35282
suit, judgment, or claim for damages resulting from the exercise 35283
of or failure to exercise the powers, duties, and functions 35284
granted to them in regard to their functioning under this 35285
chapter, but the commission, the ~~superintendent of public~~ 35286
~~instruction~~director, the auditor of state, and such other 35287
persons shall be subject to mandamus proceedings to compel 35288
performance of their duties under this chapter. 35289

(I) At the request of the commission the administrative 35290
head of any state agency shall temporarily assign personnel 35291
skilled in accounting and budgeting procedures to assist the 35292
commission in its duties. 35293

(J) The appointed members of the commission are not 35294
subject to section 102.02 of the Revised Code, each appointed 35295
member of the commission shall file with the commission a signed 35296
written statement setting forth the general nature of sales of 35297
goods, property, or services or of loans to the school district 35298
with respect to which that commission is established, in which 35299
the appointed member has a pecuniary interest or in which any 35300

member of the appointed member's immediate family, as defined in 35301
section 102.01 of the Revised Code, or any corporation, 35302
partnership, or enterprise of which the appointed member is an 35303
officer, director, or partner, or of which the appointed member 35304
or a member of the appointed member's immediate family, as so 35305
defined, owns more than a five per cent interest, has a 35306
pecuniary interest, and of which sale, loan, or interest such 35307
member has knowledge. The statement shall be supplemented from 35308
time to time to reflect changes in the general nature of any 35309
such sales or loans. 35310

(K) Meetings of the commission shall be subject to section 35311
121.22 of the Revised Code except that division (C) of such 35312
section requiring members to be physically present to be part of 35313
a quorum or vote does not apply if the commission holds a 35314
meeting by teleconference and if provisions are made for public 35315
attendance at any location involved in such teleconference. 35316

Sec. 3316.06. (A) Within one hundred twenty days after the 35317
first meeting of a school district financial planning and 35318
supervision commission, the commission shall adopt a financial 35319
recovery plan regarding the school district for which the 35320
commission was created. During the formulation of the plan, the 35321
commission shall seek appropriate input from the school district 35322
board and from the community. This plan shall contain the 35323
following: 35324

(1) Actions to be taken to: 35325

(a) Eliminate all fiscal emergency conditions declared to 35326
exist pursuant to division (B) of section 3316.03 of the Revised 35327
Code; 35328

(b) Satisfy any judgments, past-due accounts payable, and 35329

all past-due and payable payroll and fringe benefits; 35330

(c) Eliminate the deficits in all deficit funds, except 35331
that any prior year deficits in the capital and maintenance fund 35332
established pursuant to section 3315.18 of the Revised Code 35333
shall be forgiven; 35334

(d) Restore to special funds any moneys from such funds 35335
that were used for purposes not within the purposes of such 35336
funds, or borrowed from such funds by the purchase of debt 35337
obligations of the school district with the moneys of such 35338
funds, or missing from the special funds and not accounted for, 35339
if any; 35340

(e) Balance the budget, avoid future deficits in any 35341
funds, and maintain on a current basis payments of payroll, 35342
fringe benefits, and all accounts; 35343

(f) Avoid any fiscal emergency condition in the future; 35344

(g) Restore the ability of the school district to market 35345
long-term general obligation bonds under provisions of law 35346
applicable to school districts generally. 35347

(2) The management structure that will enable the school 35348
district to take the actions enumerated in division (A) (1) of 35349
this section. The plan shall specify the level of fiscal and 35350
management control that the commission will exercise within the 35351
school district during the period of fiscal emergency, and shall 35352
enumerate respectively, the powers and duties of the commission 35353
and the powers and duties of the school board during that 35354
period. The commission may elect to assume any of the powers and 35355
duties of the school board it considers necessary, including all 35356
powers related to personnel, curriculum, and legal issues in 35357
order to successfully implement the actions described in 35358

division (A) (1) of this section. 35359

(3) The target dates for the commencement, progress upon, 35360
and completion of the actions enumerated in division (A) (1) of 35361
this section and a reasonable period of time expected to be 35362
required to implement the plan. The commission shall prepare a 35363
reasonable time schedule for progress toward and achievement of 35364
the requirements for the plan, and the plan shall be consistent 35365
with that time schedule. 35366

(4) The amount and purpose of any issue of debt 35367
obligations that will be issued, together with assurances that 35368
any such debt obligations that will be issued will not exceed 35369
debt limits supported by appropriate certifications by the 35370
fiscal officer of the school district and the county auditor. If 35371
the commission considers it necessary in order to maintain or 35372
improve educational opportunities of pupils in the school 35373
district, the plan may include a proposal to restructure or 35374
refinance outstanding debt obligations incurred by the board 35375
under section 3313.483 of the Revised Code contingent upon the 35376
approval, during the period of the fiscal emergency, by district 35377
voters of a tax levied under section 718.09, 718.10, 5705.194, 35378
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 35379
is not a renewal or replacement levy, or a levy under section 35380
5705.199 of the Revised Code, and that will provide new 35381
operating revenue. Notwithstanding any provision of Chapter 133. 35382
or sections 3313.483 to 3313.4810 of the Revised Code, following 35383
the required approval of the district voters and with the 35384
approval of the commission, the school district may issue 35385
securities to evidence the restructuring or refinancing. Those 35386
securities may extend the original period for repayment, not to 35387
exceed ten years, and may alter the frequency and amount of 35388
repayments, interest or other financing charges, and other terms 35389

of agreements under which the debt originally was contracted, at 35390
the discretion of the commission, provided that any loans 35391
received pursuant to section 3313.483 of the Revised Code shall 35392
be paid from funds the district would otherwise receive under 35393
Chapter 3317. of the Revised Code, as required under division 35394
(E) (3) of section 3313.483 of the Revised Code. The securities 35395
issued for the purpose of restructuring or refinancing the debt 35396
shall be repaid in equal payments and at equal intervals over 35397
the term of the debt and are not eligible to be included in any 35398
subsequent proposal for the purpose of restructuring or 35399
refinancing debt under this section. 35400

(5) An evaluation of the feasibility of entering into 35401
shared services agreements with other political subdivisions for 35402
the joint exercise of any power, performance of any function, or 35403
rendering of any service, if so authorized by statute. 35404

(B) Any financial recovery plan may be amended subsequent 35405
to its adoption. Each financial recovery plan shall be updated 35406
annually. 35407

(C) Each school district financial planning and 35408
supervision commission shall submit the financial recovery plan 35409
it adopts or updates under this section to the ~~state~~ 35410
~~superintendent of public instruction~~ director of education and 35411
workforce for approval immediately following its adoption or 35412
updating. The ~~state superintendent~~ director shall evaluate the 35413
plan and either approve or disapprove it within thirty calendar 35414
days from the date of its submission. If the plan is 35415
disapproved, the ~~state superintendent~~ director shall recommend 35416
modifications that will render it acceptable. No financial 35417
planning and supervision commission shall implement a financial 35418
recovery plan that is adopted or updated on or after April 10, 35419

2001, unless the ~~state superintendent~~ director has approved it. 35420

Sec. 3316.08. During a school district's fiscal emergency 35421
period, the auditor of state shall determine annually, or at any 35422
other time upon request of the financial planning and 35423
supervision commission, whether the school district will incur 35424
an operating deficit. If the auditor of state determines that a 35425
school district will incur an operating deficit, the auditor of 35426
state shall certify that determination to the ~~superintendent of~~ 35427
~~public instruction~~ director of education and workforce, the 35428
financial planning and supervision commission, and the board of 35429
education of the school district. Upon receiving the auditor of 35430
state's certification, the commission shall adopt a resolution 35431
requesting that the board of education work with the county 35432
auditor or tax commissioner to estimate the amount and rate of a 35433
tax levy that is needed under section 5705.194, ~~5709.199~~ 35434
5705.199, or 5705.21 or Chapter 5748. of the Revised Code to 35435
produce a positive fund balance not later than the fifth year of 35436
the five-year forecast submitted under section 5705.391 of the 35437
Revised Code. 35438

The board of education shall recommend to the commission 35439
whether the board supports or opposes a tax levy under section 35440
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 35441
Revised Code and shall provide supporting documentation to the 35442
commission of its recommendation. 35443

After considering the board of education's recommendation 35444
and supporting documentation, the commission shall adopt a 35445
resolution to either submit a ballot question proposing a tax 35446
levy or not to submit such a question. 35447

Except as otherwise provided in this division, the tax 35448
shall be levied in the manner prescribed for a tax levied under 35449

section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 35450
5748. of the Revised Code. If the commission decides that a tax 35451
should be levied, the tax shall be levied for the purpose of 35452
paying current operating expenses of the school district. The 35453
rate of a property tax levied under section 5705.194, ~~5709.199~~ 35454
5705.199, 5705.21, or 5748.09 of the Revised Code shall be 35455
determined by the county auditor, and the rate of an income tax 35456
levied under section 5748.02, 5748.08, or 5748.09 of the Revised 35457
Code shall be determined by the tax commissioner, upon the 35458
request of the commission. The commission, in consultation with 35459
the board of education, shall determine the election at which 35460
the question of the tax shall appear on the ballot, and the 35461
commission shall submit a copy of its resolution to the board of 35462
elections not later than ninety days prior to the day of that 35463
election. The board of elections conducting the election shall 35464
certify the results of the election to the board of education 35465
and to the financial planning and supervision commission. 35466

Sec. 3316.20. (A) (1) The school district solvency 35467
assistance fund is hereby created in the state treasury, to 35468
consist of such amounts designated for the purposes of the fund 35469
by the general assembly. The fund shall be used to provide 35470
assistance and grants to school districts to enable them to 35471
remain solvent and to pay unforeseeable expenses of a temporary 35472
or emergency nature that they are unable to pay from existing 35473
resources. 35474

(2) There is hereby created within the fund an account 35475
known as the school district shared resource account, which 35476
shall consist of money appropriated to it by the general 35477
assembly. The money in the account shall be used solely for 35478
solvency assistance to school districts that have been declared 35479
under division (B) of section 3316.03 of the Revised Code to be 35480

in a state of fiscal emergency. 35481

(3) There is hereby created within the fund an account 35482
known as the catastrophic expenditures account, which shall 35483
consist of money appropriated to the account by the general 35484
assembly plus all investment earnings of the fund. Money in the 35485
account shall be used solely for the following: 35486

(a) Solvency assistance to school districts that have been 35487
declared under division (B) of section 3316.03 of the Revised 35488
Code to be in a state of fiscal emergency, in the event that all 35489
money in the shared resource account is utilized for solvency 35490
assistance; 35491

(b) Grants to school districts under division (C) of this 35492
section. 35493

(B) Solvency assistance payments under division (A) (2) or 35494
(3) (a) of this section shall be made from the fund by the 35495
~~superintendent of public instruction~~ director of education and 35496
workforce in accordance with rules adopted by the director of 35497
budget and management, after consulting with the 35498
~~superintendent~~ director, specifying approval criteria and 35499
procedures necessary for administering the fund. 35500

The fund shall be reimbursed for any solvency assistance 35501
amounts paid under division (A) (2) or (3) (a) of this section not 35502
later than the end of the second fiscal year following the 35503
fiscal year in which the solvency assistance payment was made, 35504
except that, upon the approval of the director of budget and 35505
management and the ~~superintendent of public instruction~~ director 35506
of education and workforce, the fund may be reimbursed in 35507
another fiscal year designated by the director of budget and 35508
management and ~~superintendent~~ director of education and 35509

workforce that is not later than the end of the tenth fiscal 35510
year following the fiscal year in which the solvency assistance 35511
payment was made. If not made directly by the school district, 35512
such reimbursement shall be made by the director of budget and 35513
management from the amounts the school district would otherwise 35514
receive pursuant to Chapter 3317. of the Revised Code, or from 35515
any other funds appropriated for the district by the general 35516
assembly. Reimbursements shall be credited to the respective 35517
account from which the solvency assistance paid to the district 35518
was deducted. 35519

(C) The ~~superintendent of public instruction~~ director of 35520
education and workforce may make recommendations, and the 35521
controlling board may grant money from the catastrophic 35522
expenditures account to any school district that suffers an 35523
unforeseen catastrophic event that severely depletes the 35524
district's financial resources. The ~~superintendent~~ director of 35525
education and workforce shall make recommendations for the 35526
grants in accordance with rules adopted by the director of 35527
budget and management, after consulting with the 35528
~~superintendent~~ director of education and workforce. A school 35529
district shall not be required to repay any grant awarded to the 35530
district under this division, unless the district receives money 35531
from this state or a third party, including an agency of the 35532
government of the United States, specifically for the purpose of 35533
compensating the district for revenue lost or expenses incurred 35534
as a result of the unforeseen catastrophic event. If a school 35535
district receives a grant from the catastrophic expenditures 35536
account on the basis of the same circumstances for which an 35537
adjustment or recomputation is authorized under section 35538
3317.025, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, 35539
the department of education and workforce shall reduce the 35540

adjustment or recomputation by an amount not to exceed the total 35541
amount of the grant, and an amount equal to the reduction shall 35542
be transferred, from the funding source from which the 35543
adjustment or recomputation would be paid, to the catastrophic 35544
expenditures account. Any adjustment or recomputation under such 35545
sections that is in excess of the total amount of the grant 35546
shall be paid to the school district. 35547

Sec. 3317.01. As used in this section, "school district," 35548
unless otherwise specified, means any city, local, exempted 35549
village, joint vocational, or cooperative education school 35550
district and any educational service center. 35551

This chapter shall be administered by the ~~state board-~~ 35552
~~department of education and workforce.~~ The ~~superintendent of-~~ 35553
~~public instruction department of education and workforce~~ shall 35554
calculate the amounts payable to each school district and shall 35555
certify the amounts payable to each eligible district to the 35556
treasurer of the district as provided by this chapter. 35557
Certification of moneys pursuant to this section shall include 35558
the amounts payable to each school building, at a frequency 35559
determined by the ~~superintendent~~department, for each subgroup of 35560
students, as defined in section 3317.40 of the Revised Code, 35561
receiving services, provided for by state funding, from the 35562
district or school. No moneys shall be distributed pursuant to 35563
this chapter without the approval of the controlling board. 35564

The ~~state board of education department~~ shall, in 35565
accordance with appropriations made by the general assembly, 35566
meet the financial obligations of this chapter. 35567

Moneys distributed to school districts pursuant to this 35568
chapter shall be calculated based on the annual enrollment 35569
calculated from the three reports required under sections 35570

3317.03 and 3317.036 of the Revised Code and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. In any given fiscal year, prior to school districts submitting the first report required under section 3317.03 of the Revised Code, enrollment for the districts shall be calculated based on the third report submitted by the districts for the previous fiscal year. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. ~~The state board department,~~ in June of each year, shall submit to the controlling board the ~~state board's department's~~ year-end distributions pursuant to this chapter.

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (C) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 of the Revised Code, with regard to the minimum number of hours school must be open for instruction with pupils

in attendance, for individualized parent-teacher conference and 35601
reporting periods, and for professional meetings of teachers. 35602

A school district shall not be considered to have failed 35603
to comply with this division because schools were open for 35604
instruction but either twelfth grade students were excused from 35605
attendance for up to the equivalent of three school days or only 35606
a portion of the kindergarten students were in attendance for up 35607
to the equivalent of three school days in order to allow for the 35608
gradual orientation to school of such students. 35609

A board of education or governing board of an educational 35610
service center which has not conformed with other law and the 35611
rules pursuant thereto, shall not participate in the 35612
distribution of funds authorized by this chapter, except for 35613
good and sufficient reason established to the satisfaction of 35614
the ~~state board of education department~~ and the state 35615
controlling board. 35616

All funds allocated to school districts under this 35617
chapter, except those specifically allocated for other purposes, 35618
shall be used to pay current operating expenses only. 35619

Sec. 3317.011. This section shall apply only for fiscal 35620
years 2022 and 2023. 35621

(A) As used in this section: 35622

(1) "Average administrative assistant salary" means the 35623
average salary of administrative assistants employed by city, 35624
local, and exempted village school districts in this state with 35625
salaries greater than \$20,000 but less than \$65,000, using 35626
fiscal year 2018 data, as determined by the department of 35627
education and workforce. 35628

(2) "Average bookkeeping and accounting employee salary" 35629

means the average salary of bookkeeping employees and accounting 35630
employees employed by city, local, and exempted village school 35631
districts in this state with salaries greater than \$20,000 but 35632
less than \$80,000, using fiscal year 2018 data, as determined by 35633
the department. 35634

(3) "Average clerical staff salary" means the average 35635
salary of clerical staff employed by city, local, and exempted 35636
village school districts in this state with salaries greater 35637
than \$15,000 but less than \$50,000, using fiscal year 2018 data, 35638
as determined by the department. 35639

(4) "Average counselor salary" means the average salary of 35640
counselors employed by city, local, and exempted village school 35641
districts in this state with salaries greater than \$30,000 but 35642
less than \$95,000, using fiscal year 2018 data, as determined by 35643
the department. 35644

(5) "Average education management information system 35645
support employee salary" means the average salary of accounting 35646
employees employed by city, local, and exempted village school 35647
districts in this state with salaries greater than \$30,000 but 35648
less than \$90,000, using fiscal year 2018 data, as determined by 35649
the department. 35650

(6) "Average librarian and media staff salary" means the 35651
average salary of librarians and media staff employed by city, 35652
local, and exempted village school districts in this state with 35653
salaries greater than \$30,000 but less than \$95,000, using 35654
fiscal year 2018 data, as determined by the department. 35655

(7) "Average other district administrator salary" means 35656
the average salary of all assistant superintendents and 35657
directors employed by city, local, and exempted village school 35658

districts in this state with salaries greater than \$50,000 but 35659
less than \$135,000, using fiscal year 2018 data, as determined 35660
by the department. 35661

(8) "Average principal salary" means the average salary of 35662
all principals employed by city, local, and exempted village 35663
school districts in this state with salaries greater than 35664
\$50,000 but less than \$120,000, using fiscal year 2018 data, as 35665
determined by the department. 35666

(9) "Average superintendent salary" means the average 35667
salary of all superintendents employed by city, local, and 35668
exempted village school districts in this state with salaries 35669
greater than \$60,000 but less than \$180,000, using fiscal year 35670
2018 data, as determined by the department. 35671

(10) "Average teacher cost" for a fiscal year is equal to 35672
the sum of the following: 35673

(a) The average salary of teachers employed by city, 35674
local, and exempted village school districts in this state with 35675
salaries greater than \$30,000 but less than \$95,000, using 35676
fiscal year 2018 data, as determined by the department; 35677

(b) An amount for teacher benefits equal to 0.16 times the 35678
average salary calculated under division (A) (10) (a) of this 35679
section; 35680

(c) An amount for district-paid insurance costs equal to 35681
the following product: 35682

The statewide weighted average employer-paid monthly premium 35683
based on data reported by city, local, and exempted village 35684
school districts to the state employment relations board for the 35685
health insurance survey conducted in accordance with divisions 35686
(K) (5) and (6) of section 4117.02 of the Revised Code using 35687

fiscal year 2018 data X 12	35688
(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the following:	35689 35690 35691
(a) The district is a member of an organization that regulates interscholastic athletics.	35692 35693
(b) The district has teams in at least three different sports that participate in an interscholastic league.	35694 35695
(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:	35696 35697 35698
(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section;	35699 35700 35701
(2) The amount for teacher benefits determined under division (A) (10) (b) of this section;	35702 35703
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	35704 35705
(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;	35706 35707 35708 35709
(5) The information determined under division (G) (3) of this section.	35710 35711
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	35712 35713 35714

(The district's teacher base cost for that fiscal year computed 35715
under division (D) of this section) + (the district's student 35716
support base cost for that fiscal year computed under division 35717
(E) of this section) + (the district's leadership and 35718
accountability base cost for that fiscal year computed under 35719
division (F) of this section) + (the district's building 35720
leadership and operations base cost for that fiscal year 35721
computed under division (G) of this section) + (the athletic co- 35722
curricular activities base cost for that fiscal year computed 35723
under division (H) of this section, if the district is an 35724
eligible school district) 35725

(D) The department ~~of education~~ shall compute a district's 35726
teacher base cost for a fiscal year as follows: 35727

(1) Calculate the district's classroom teacher cost for 35728
that fiscal year as follows: 35729

(a) Determine the full-time equivalency of students in the 35730
district's base cost enrolled ADM for that fiscal year that are 35731
enrolled in kindergarten and divide that number by 20; 35732

(b) Determine the full-time equivalency of students in the 35733
district's base cost enrolled ADM for that fiscal year that are 35734
enrolled in grades one through three and divide that number by 35735
23; 35736

(c) Determine the full-time equivalency of students in the 35737
district's base cost enrolled ADM for that fiscal year that are 35738
enrolled in grades four through eight but are not enrolled in a 35739
career-technical education program or class described under 35740
section 3317.014 of the Revised Code and divide that number by 35741
25; 35742

(d) Determine the full-time equivalency of students in the 35743

district's base cost enrolled ADM for that fiscal year that are 35744
enrolled in grades nine through twelve but are not enrolled in a 35745
career-technical education program or class described under 35746
section 3317.014 of the Revised Code and divide that number by 35747
27; 35748

(e) Determine the full-time equivalency of students in the 35749
district's base cost enrolled ADM for that fiscal year that are 35750
enrolled in a career-technical education program or class, as 35751
certified under divisions (B) (11), (12), (13), (14), and (15) of 35752
section 3317.03 of the Revised Code, and divide that number by 35753
18; 35754

(f) Compute the sum of the quotients obtained under 35755
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 35756

(g) Compute the classroom teacher cost by multiplying the 35757
average teacher cost for that fiscal year by the sum computed 35758
under division (D) (1) (f) of this section. 35759

(2) Calculate the district's special teacher cost for that 35760
fiscal year as follows: 35761

(a) Divide the district's base cost enrolled ADM for that 35762
fiscal year by 150; 35763

(b) If the quotient obtained under division (D) (2) (a) of 35764
this section is greater than 6, the special teacher cost shall 35765
be equal to that quotient multiplied by the average teacher cost 35766
for that fiscal year. 35767

(c) If the quotient obtained under division (D) (2) (a) of 35768
this section is less than or equal to 6, the special teacher 35769
cost shall be equal to 6 multiplied by the average teacher cost 35770
for that fiscal year. 35771

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	35772 35773
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	35774 35775 35776
(b) Compute the substitute teacher cost in accordance with the following formula:	35777 35778
[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	35779 35780 35781 35782
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	35783 35784
[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 (b) of this section for that fiscal year)/180] X 4	35785 35786 35787 35788
(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D) (1), (2), (3), and (4) of this section.	35789 35790 35791
(E) The department shall compute a district's student support base cost for a fiscal year as follows:	35792 35793
(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	35794 35795
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	35796 35797 35798

(b) Compute the counselor cost in accordance with the following formula:	35799 35800
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35801 35802 35803 35804
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	35805 35806
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	35807 35808
(b) Compute the librarian and media staff cost in accordance with the following formula:	35809 35810
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35811 35812 35813 35814
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	35815 35816
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	35817 35818
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	35819 35820
(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]	35821 35822 35823 35824
(4) Calculate the district's academic co-curricular	35825

activities cost for that fiscal year as follows:	35826
(a) Determine the total amount of spending for academic	35827
co-curricular activities reported by city, local, and exempted	35828
village school districts to the department using fiscal year	35829
2018 data;	35830
(b) Determine the sum of the enrolled ADM of every school	35831
district in the state using fiscal year 2018 data as specified	35832
under division (E) (4) (a) of this section;	35833
(c) Compute the academic co-curricular activities cost in	35834
accordance with the following formula:	35835
(The amount determined under division (E) (4) (a) of this	35836
section / the sum determined under division (E) (4) (b) of this	35837
section) X the district's base cost enrolled ADM for the fiscal	35838
year for which the academic co-curricular activities cost is	35839
computed	35840
(5) Calculate the district's building safety and security	35841
cost for that fiscal year as follows:	35842
(a) Determine the total amount of spending for building	35843
safety and security reported by city, local, and exempted	35844
village school districts to the department using fiscal year	35845
2018 data;	35846
(b) Determine the sum of the enrolled ADM of every school	35847
district in the state that reported the data specified under	35848
division (E) (5) (a) of this section using fiscal year 2018 data;	35849
(c) Compute the building safety and security cost in	35850
accordance with the following formula:	35851
(The amount determined under division (E) (5) (a) of this	35852
section / the sum determined under division (E) (5) (a) of this	35853

section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed 35854
35855

(6) Calculate the district's supplies and academic content cost for that fiscal year as follows: 35856
35857

(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; 35858
35859
35860
35861

(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; 35862
35863
35864

(c) Compute the supplies and academic content cost in accordance with the following formula: 35865
35866

(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed 35867
35868
35869
35870
35871

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula: 35872
35873

\$37.50 X the district's base cost enrolled ADM for that fiscal year 35874
35875

(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. 35876
35877
35878

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 35879
35880

(1) Calculate the district's superintendent cost for that fiscal year as follows:	35881 35882
(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 this section for that fiscal year].	35883 35884 35885 35886 35887
(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:	35888 35889 35890 35891
(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};	35892 35893
(ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year.	35894 35895
(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 this section for that fiscal year].	35896 35897 35898 35899
(2) Calculate the district's treasurer cost for that fiscal year as follows:	35900 35901
(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year].	35902 35903 35904 35905
(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 treasurer cost shall be equal to	35906 35907 35908

the sum of the following: 35909

(i) (The district's base cost enrolled ADM for that fiscal 35910
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 35911

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 35912
division (A) (10) (c) of this section for that fiscal year. 35913

(c) If the district's base cost enrolled ADM is less than 35914
500, then the district's treasurer cost shall be equal to 35915
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 35916
 $(c) \text{ of this section for that fiscal year}]$. 35917

(3) Calculate the district's other district administrator 35918
cost for that fiscal year as follows: 35919

(a) Divide the average other district administrator salary 35920
for that fiscal year by the average superintendent salary for 35921
that fiscal year; 35922

(b) Divide the district's base cost enrolled ADM for that 35923
fiscal year by 750; 35924

(c) Compute the other district administrator cost in 35925
accordance with the following formula: 35926

$\{[(\text{The district's superintendent cost for that fiscal year}$ 35927
 $\text{calculated under division (F) (1) of this section - the amount}$ 35928
 $\text{specified under division (A) (10) (c) of this section for that}$ 35929
 $\text{fiscal year}) \times \text{the quotient obtained under division (F) (3) (a) of}$ 35930
 $\text{this section}] + \text{the amount specified under division (A) (10) (c)}$ 35931
 $\text{of this section}\} \times (\text{the greater of the quotient obtained under}$ 35932
 $\text{division (F) (3) (b) of this section and } 2)$ 35933

(4) Calculate the district's fiscal support cost for that 35934
fiscal year as follows: 35935

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	35936 35937
(b) Determine the lesser of the following:	35938
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	35939 35940
(ii) 35.	35941
(c) Compute the fiscal support cost in accordance with the following formula:	35942 35943
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]	35944 35945 35946 35947
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	35948 35949
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	35950 35951
(b) Compute the education management information system support cost in accordance with the following formula:	35952 35953
(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]	35954 35955 35956 35957 35958
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35959 35960
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that	35961 35962

number;	35963
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35964 35965
(c) Compute the leadership support cost in accordance with the following formula:	35966 35967
(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]	35968 35969 35970 35971
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35972 35973 35974
\$31 X the district's base cost enrolled ADM for that fiscal year	35975
(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.	35976 35977 35978 35979
(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	35980 35981 35982
(1) Calculate the district's building leadership cost for that fiscal year as follows:	35983 35984
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	35985 35986
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	35987 35988
(c) Compute the building leadership cost in accordance	35989

with the following formula: 35990

{[(The district's superintendent cost for that fiscal year 35991
calculated under division (F) (1) of this section - the amount 35992
specified under division (A) (10) (c) of this section for that 35993
fiscal year) X the quotient obtained under division (G) (1) (a) of 35994
this section] + the amount specified under division (A) (10) (c) 35995
of this section for that fiscal year} X the quotient obtained 35996
under division (G) (1) (b) of this section 35997

(2) Calculate the district's building leadership support 35998
cost for that fiscal year as follows: 35999

(a) Divide the district's base cost enrolled ADM for that 36000
fiscal year by 400; 36001

(b) Determine the number of school buildings in the 36002
district for that fiscal year; 36003

(c) Compute the building leadership support cost in 36004
accordance with the following formula: 36005

(i) If the quotient obtained under division (G) (2) (a) of 36006
this section is less than the number obtained under division (G) 36007
(2) (b) of this section, then the district's building leadership 36008
support cost shall be equal to {the number obtained under 36009
division (G) (2) (b) of this section for that fiscal year X [(the 36010
average clerical staff salary for that fiscal year X 1.16) + the 36011
amount specified under division (A) (10) (c) of this section for 36012
that fiscal year]}. 36013

(ii) If the quotient obtained under division (G) (2) (a) of 36014
this section is greater than or equal to the number obtained 36015
under division (G) (2) (b) of this section, then the district's 36016
building leadership support cost shall be equal to {[the lesser 36017
of (the number obtained under division (G) (2) (b) of this section 36018

X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]].

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year 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 36047
co-curricular activities reported by city, local, and exempted 36048
village school districts to the department for that fiscal year; 36049

(2) Determine the sum of the enrolled ADM of every school 36050
district in the state for that fiscal year; 36051

(3) Compute the district's athletic co-curricular 36052
activities base cost in accordance with the following formula: 36053

(The amount determined under division (H) (1) of this section / 36054
the sum determined under division (H) (2) of this section) X the 36055
district's base cost enrolled ADM for the fiscal year for which 36056
the funds for athletic co-curricular activities are computed 36057

Sec. 3317.012. This section shall apply only for fiscal 36058
years 2022 and 2023. 36059

(A) As used in this section, "average administrative 36060
assistant salary," "average bookkeeping and accounting employee 36061
salary," "average clerical staff salary," "average counselor 36062
salary," "average education management information system 36063
support employee salary," "average librarian and media staff 36064
salary," "average other district administrator salary," "average 36065
principal salary," "average superintendent salary," and "average 36066
teacher cost" have the same meanings as in section 3317.011 of 36067
the Revised Code. 36068

(B) When calculating a district's aggregate base cost 36069
under this section, the department shall use data from fiscal 36070
year 2018 for all of the following: 36071

(1) The average salaries determined under divisions (A) 36072
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of 36073
section 3317.011 of the Revised Code; 36074

(2) The amount for teacher benefits determined under 36075
division (A) (10) (b) of section 3317.011 of the Revised Code; 36076

(3) The district-paid insurance costs determined under 36077
division (A) (10) (c) of section 3317.011 of the Revised Code; 36078

(4) Spending determined under divisions (E) (4) (a), (E) (5) 36079
(a), and (H) (1) of section 3317.011 of the Revised Code and the 36080
corresponding student counts determined under divisions (E) (4) 36081
(b), (E) (5) (b), and (H) (2) of that section; 36082

(5) The information determined under division (G) (3) of 36083
section 3317.011 of the Revised Code. 36084

(C) A joint vocational school district's aggregate base 36085
cost for a fiscal year shall be equal to the following sum: 36086

The district's teacher base cost for that fiscal year computed 36087
under division (D) of this section + the district's student 36088
support base cost for that fiscal year computed under division 36089
(E) of this section + the district's leadership and 36090
accountability base cost for that fiscal year computed under 36091
division (F) of this section + the district's building 36092
leadership and operations base cost for that fiscal year 36093
computed under division (G) of this section 36094

(D) The department of education and workforce shall 36095
compute a district's teacher base cost for a fiscal year as 36096
follows: 36097

(1) Calculate the district's classroom teacher cost for 36098
that fiscal year as follows: 36099

(a) Determine the full-time equivalency of students in the 36100
district's base cost enrolled ADM for that fiscal year that are 36101
enrolled in a career-technical education program or class, as 36102

certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 36103
section 3317.03 of the Revised Code, and divide that number by 36104
18; 36105

(b) Determine the full-time equivalency of students in the 36106
district's base cost enrolled ADM for that fiscal year that are 36107
enrolled in grades six through eight but are not enrolled in a 36108
career-technical education program or class described under 36109
section 3317.014 of the Revised Code and divide that number by 36110
25; 36111

(c) Determine the full-time equivalency of students in the 36112
district's base cost enrolled ADM for that fiscal year that are 36113
enrolled in grades nine through twelve but are not enrolled in a 36114
career-technical education program or class described under 36115
section 3317.014 of the Revised Code and divide that number by 36116
27; 36117

(d) Compute the sum of the quotients obtained under 36118
divisions (D) (1) (a), (b), and (c) of this section; 36119

(e) Compute the classroom teacher base cost by multiplying 36120
the average teacher cost for that fiscal year by the sum 36121
computed under division (D) (1) (d) of this section. 36122

(2) Calculate the district's cost for that fiscal year for 36123
teachers providing health and physical education, instruction 36124
regarding employability and soft skills, development and 36125
coordination of internships and job placements, career-technical 36126
student organization activities, pre-apprenticeship and 36127
apprenticeship coordination, and any assessment related to 36128
career-technical education, including any nationally recognized 36129
job skills or end-of-course assessment, as follows: 36130

(a) Divide the district's base cost enrolled ADM for that 36131

fiscal year by 150; 36132

(b) If the quotient obtained under division (D) (2) (a) of 36133
this section is greater than 6, the teacher cost shall be equal 36134
to that quotient multiplied by the average teacher cost for that 36135
fiscal year. 36136

(c) If the quotient obtained under division (D) (2) (a) of 36137
this section is less than or equal to 6, the teacher cost shall 36138
be equal to 6 multiplied by the average teacher cost for that 36139
fiscal year. 36140

(3) Calculate the district's substitute teacher cost for 36141
that fiscal year in accordance with the following formula: 36142

(a) Compute the substitute teacher daily rate with 36143
benefits by multiplying the substitute teacher daily rate of \$90 36144
by 1.16; 36145

(b) Compute the substitute teacher cost in accordance with 36146
the following formula: 36147

[The sum computed under division (D) (1) (d) of this section + 36148
(the greater of the quotient obtained under division (D) (2) (a) 36149
of this section and 6)] X the amount computed under division (D) 36150
(3) (a) of this section X 5 36151

(4) Calculate the district's professional development cost 36152
for that fiscal year in accordance with the following formula: 36153

[The sum computed under division (D) (1) (d) of this section + 36154
(the greater of the quotient obtained under division (D) (2) (a) 36155
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 36156
(b) of section 3317.011 of the Revised Code for that fiscal 36157
year)/180] X 4 36158

(5) Calculate the district's teacher base cost for that 36159

fiscal year, which equals the sum of divisions (D) (1), (2), (3), 36160
and (4) of this section. 36161

(E) The department shall compute a district's student 36162
support base cost for a fiscal year as follows: 36163

(1) Calculate the district's guidance counselor cost for 36164
that fiscal year as follows: 36165

(a) Determine the number of students in the district's 36166
base cost enrolled ADM for that fiscal year that are enrolled in 36167
grades nine through twelve and divide that number by 360; 36168

(b) Compute the counselor cost in accordance with the 36169
following formula: 36170

(The greater of the quotient obtained under division (E) (1) (a) 36171
of this section and 1) X [(the average counselor salary for that 36172
fiscal year X 1.16) + the amount specified under division (A) 36173
(10) (c) of section 3317.011 of the Revised Code for that fiscal 36174
year] 36175

(2) Calculate the district's librarian and media staff 36176
cost for that fiscal year as follows: 36177

(a) Divide the district's base cost enrolled ADM for that 36178
fiscal year by 1,000; 36179

(b) Compute the librarian and media staff cost in 36180
accordance with the following formula: 36181

The quotient obtained under division (E) (2) (a) of this section X 36182
[(the average librarian and media staff salary for that fiscal 36183
year X 1.16) + the amount specified under division (A) (10) (c) of 36184
section 3317.011 of the Revised Code for that fiscal year] 36185

(3) Calculate the district's staffing cost for student 36186

wellness and success for that fiscal year as follows:	36187
(a) Divide the district's base cost enrolled ADM for that	36188
fiscal year by 250;	36189
(b) Compute the staffing cost for student wellness and	36190
success in accordance with the following formula:	36191
The quotient obtained under division (E) (3) (a) of this section X	36192
[(the average counselor salary for that fiscal year X 1.16) +	36193
the amount specified under division (A) (10) (c) of section	36194
3317.011 of the Revised Code for that fiscal year]	36195
(4) Calculate the district's cost for that fiscal year for	36196
career-technical curriculum specialists and coordinators, career	36197
assessment and program placement, recruitment and orientation,	36198
student success coordination, analysis of test results,	36199
development of intervention and remediation plans and monitoring	36200
of those plans, and satellite program coordination in accordance	36201
with the following formula:	36202
[(The amount determined under division (E) (4) (a) of section	36203
3317.011 of the Revised Code for that fiscal year / the sum	36204
determined under division (E) (4) (b) of section 3317.011 of the	36205
Revised Code) + (the amount determined under division (H) (1) of	36206
section 3317.011 of the Revised Code for that fiscal year / the	36207
sum determined under division (H) (2) of section 3317.011 of the	36208
Revised Code)] X the district's base cost enrolled ADM for the	36209
fiscal year for which the district's cost under this division is	36210
computed	36211
(5) Compute the district's building safety and security	36212
cost for that fiscal year in accordance with the following	36213
formula:	36214
(The amount determined under division (E) (5) (a) of section	36215

3317.011 of the Revised Code for that fiscal year / the sum 36216
determined under division (E) (5) (b) of section 3317.011 of the 36217
Revised Code) X the district's base cost enrolled ADM for the 36218
fiscal year for which the building safety and security cost is 36219
computed 36220

(6) Compute the district's supplies and academic content 36221
cost for that fiscal year in accordance with the following 36222
formula: 36223

(The amount determined under division (E) (6) (a) of section 36224
3317.011 of the Revised Code for that fiscal year / the sum 36225
determined under division (E) (6) (b) of section 3317.011 of the 36226
Revised Code) X the district's base cost enrolled ADM for the 36227
fiscal year for which the supplies and academic content cost is 36228
computed 36229

(7) Calculate the district's technology cost for that 36230
fiscal year in accordance with the following formula: 36231

\$37.50 X the district's base cost enrolled ADM for that fiscal 36232
year 36233

(8) Calculate the district's student support base cost for 36234
that fiscal year, which equals the sum of divisions (E) (1), (2), 36235
(3), (4), (5), (6), and (7) of this section. 36236

(F) The department shall compute a district's leadership 36237
and accountability base cost for a fiscal year as follows: 36238

(1) Calculate the district's superintendent cost for that 36239
fiscal year as follows: 36240

(a) If the district's base cost enrolled ADM for that 36241
fiscal year is greater than 4,000, then the district's 36242
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 36243

amount specified under division (A) (10) (c) of section 3317.011 36244
of the Revised Code for that fiscal year]. 36245

(b) If the district's base cost enrolled ADM for that 36246
fiscal year is less than or equal to 4,000 but greater than or 36247
equal to 500, the district's superintendent cost shall be equal 36248
to the sum of the following: 36249

(i) (The district's base cost enrolled ADM for that fiscal 36250
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 36251

(ii) $(\$80,000 \times 1.16)$ + the amount specified under 36252
division (A) (10) (c) of section 3317.011 of the Revised Code for 36253
that fiscal year. 36254

(c) If the district's base cost enrolled ADM is less than 36255
500, then the district's superintendent cost shall be equal to 36256
 $[(\$80,000 \times 1.16) +$ the amount specified under division (A) (10) 36257
(c) of section 3317.011 of the Revised Code for that fiscal 36258
year]. 36259

(2) Calculate the district's treasurer cost for that 36260
fiscal year as follows: 36261

(a) If the district's base cost enrolled ADM for that 36262
fiscal year is greater than 4,000, then the district's treasurer 36263
cost shall be equal to $[(\$130,000 \times 1.16) +$ the amount specified 36264
under division (A) (10) (c) of section 3317.011 of the Revised 36265
Code for that fiscal year]. 36266

(b) If the district's base cost enrolled ADM for that 36267
fiscal year is less than or equal to 4,000 but greater than or 36268
equal to 500, the district's treasurer cost shall be equal to 36269
the sum of the following: 36270

(i) (The district's base cost enrolled ADM for that fiscal 36271

year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 36272

(ii) (\$60,000 X 1.16) + the amount specified under 36273
division (A) (10) (c) of section 3317.011 of the Revised Code for 36274
that fiscal year. 36275

(c) If the district's base cost enrolled ADM is less than 36276
500, then the district's treasurer cost shall be equal to 36277
[((\$60,000 X 1.16) + the amount specified under division (A) (10) 36278
(c) of section 3317.011 of the Revised Code for that fiscal 36279
year]. 36280

(3) Calculate the district's other district administrator 36281
cost for that fiscal year as follows: 36282

(a) Divide the average other district administrator salary 36283
for that fiscal year by the average superintendent salary for 36284
that fiscal year; 36285

(b) Divide the district's base cost enrolled ADM for that 36286
fiscal year by 750; 36287

(c) Compute the other district administrator cost in 36288
accordance with the following formula: 36289

{[(The district's superintendent cost for that fiscal year 36290
calculated under division (F) (1) of this section - the amount 36291
specified under division (A) (10) (c) of section 3317.011 of the 36292
Revised Code for that fiscal year) X the quotient obtained under 36293
division (F) (3) (a) of this section] + the amount specified under 36294
division (A) (10) (c) of section 3317.011 of the Revised Code} X 36295
(the greater of the quotient obtained under division (F) (3) (b) 36296
of this section and 2) 36297

(4) Calculate the district's fiscal support cost for that 36298
fiscal year as follows: 36299

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	36300 36301
(b) Determine the lesser of the following:	36302
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	36303 36304
(ii) 35.	36305
(c) Compute the fiscal support cost in accordance with the following formula:	36306 36307
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]	36308 36309 36310 36311 36312
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	36313 36314
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	36315 36316
(b) Compute the education management information system support cost in accordance with the following formula:	36317 36318
(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]	36319 36320 36321 36322 36323
(6) Calculate the district's leadership support cost for that fiscal year as follows:	36324 36325
(a) Determine the greater of the quotient obtained under	36326

division (F) (3) (b) of this section and 2 and add 1 to that 36327
number; 36328

(b) Divide the number obtained under division (F) (6) (a) of 36329
this section by 3; 36330

(c) Compute the leadership support cost in accordance with 36331
the following formula: 36332

(The greater of the quotient obtained under division (F) (6) (b) 36333
of this section and 1) X [(the average administrative assistant 36334
salary for that fiscal year X 1.16) + the amount specified under 36335
division (A) (10) (c) of section 3317.011 of the Revised Code for 36336
that fiscal year] 36337

(7) Calculate the district's information technology center 36338
support cost for that fiscal year in accordance with the 36339
following formula: 36340

$\$31 \times$ the district's base cost enrolled ADM for that fiscal year 36341

(8) Calculate the district's district leadership and 36342
accountability base cost for that fiscal year, which equals the 36343
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 36344
this section; 36345

(G) The department shall compute a district's building 36346
leadership and operations base cost for a fiscal year as 36347
follows: 36348

(1) Calculate the district's building leadership cost for 36349
that fiscal year as follows: 36350

(a) Divide the average principal salary for that fiscal 36351
year by the average superintendent salary for that fiscal year; 36352

(b) Divide the district's base cost enrolled ADM for that 36353

fiscal year by 450; 36354

(c) Compute the building leadership cost in accordance 36355
with the following formula: 36356

{[(The district's superintendent cost for that fiscal year 36357
calculated under division (F) (1) of this section - the amount 36358
specified under division (A) (10) (c) of section 3317.011 of the 36359
Revised Code for that fiscal year) X the quotient obtained under 36360
division (G) (1) (a) of this section] + the amount specified under 36361
division (A) (10) (c) of section 3317.011 of the Revised Code for 36362
that fiscal year} X the quotient obtained under division (G) (1) 36363
(b) of this section 36364

(2) Calculate the district's building leadership support 36365
cost for that fiscal year as follows: 36366

(a) Divide the district's base cost enrolled ADM for that 36367
fiscal year by 400; 36368

(b) Determine the number of school buildings in the 36369
district for that fiscal year; 36370

(c) Compute the building leadership support cost in 36371
accordance with the following formula: 36372

(i) If the quotient obtained under division (G) (2) (a) of 36373
this section is less than the number obtained under division (G) 36374
(2) (b) of this section, then the district's building leadership 36375
support cost shall be equal to {the number obtained under 36376
division (G) (2) (b) of this section X [(the average clerical 36377
staff salary X 1.16) + the amount specified under division (A) 36378
(10) (c) of section 3317.011 of the Revised Code for that fiscal 36379
year]}. 36380

(ii) If the quotient obtained under division (G) (2) (a) of 36381

this section is greater than or equal to the number obtained 36382
under division (G) (2) (b) of this section, then the district's 36383
building leadership support cost shall be equal to {[the lesser 36384
of (the number obtained under division (G) (2) (b) of this section 36385
X 3) and the quotient obtained under division (G) (2) (a) of this 36386
section] X [(the average clerical staff salary for that fiscal 36387
year X 1.16) + the amount specified under division (A) (10) (c) of 36388
section 3317.011 of the Revised Code for that fiscal year]}]. 36389

(3) Compute the district's building operations cost for 36390
that fiscal year in accordance with the following formula: 36391

The district's base cost enrolled ADM for that fiscal year X 36392
[(the number determined under division (G) (3) (a) (i) of section 36393
3317.011 of the Revised Code X the number determined under 36394
division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) 36395
- (the amount determined under division (E) (5) (a) of section 36396
3317.011 of the Revised Code for that fiscal year / the sum 36397
determined under division (E) (5) (b) of section 3317.011 of the 36398
Revised Code for that fiscal year)] 36399

(4) Calculate the district's building leadership and 36400
operations base cost for that fiscal year, which equals the sum 36401
of divisions (G) (1), (2), and (3) of this section. 36402

Sec. 3317.014. (A) The multiples for the following 36403
categories of career-technical education programs approved by 36404
the department of education and workforce under section 3317.161 36405
of the Revised Code shall be as follows: 36406

(1) A multiple of 0.6230 for students enrolled in career- 36407
technical education workforce development programs in 36408
agricultural and environmental systems, construction 36409
technologies, engineering and science technologies, finance, 36410

health science, information technology, and manufacturing 36411
technologies, each of which shall be defined by the department 36412
in consultation with the governor's office of workforce 36413
transformation; 36414

(2) A multiple of 0.5905 for students enrolled in 36415
workforce development programs in business and administration, 36416
hospitality and tourism, human services, law and public safety, 36417
transportation systems, and arts and communications, each of 36418
which shall be defined by the department in consultation with 36419
the governor's office of workforce transformation; 36420

(3) A multiple of 0.2154 for students enrolled in career- 36421
based intervention programs, which shall be defined by the 36422
department in consultation with the governor's office of 36423
workforce transformation; 36424

(4) A multiple of 0.1830 for students enrolled in 36425
workforce development programs in education and training, 36426
marketing, workforce development academics, public 36427
administration, and career development, each of which shall be 36428
defined by the department ~~of education~~ in consultation with the 36429
governor's office of workforce transformation; 36430

(5) A multiple of 0.1570 for students enrolled in family 36431
and consumer science programs, which shall be defined by the 36432
department ~~of education~~ in consultation with the governor's 36433
office of workforce transformation. 36434

(B) The multiple for career-technical education associated 36435
services, as defined by the department, shall be 0.0294. 36436

(C) The department ~~of education~~ shall calculate career- 36437
technical education funds for each funding unit that is a city, 36438
local, exempted village, or joint vocational school district or 36439

the community and STEM school unit as follows: 36440

(1) For fiscal years 2022 and 2023, the sum of the 36441
following: 36442

(a) The funding unit's category one career-technical 36443
education ADM X the multiple specified in division (A) (1) of 36444
this section X the statewide average career-technical base cost 36445
per pupil for that fiscal year X if the funding unit is a city, 36446
local, exempted village, or joint vocational school district, 36447
the district's state share percentage; 36448

(b) The funding unit's category two career-technical 36449
education ADM X the multiple specified in division (A) (2) of 36450
this section X the statewide average career-technical base cost 36451
per pupil for that fiscal year X if the funding unit is a city, 36452
local, exempted village, or joint vocational school district, 36453
the district's state share percentage; 36454

(c) The funding unit's category three career-technical 36455
education ADM X the multiple specified in division (A) (3) of 36456
this section X the statewide average career-technical base cost 36457
per pupil for that fiscal year X if the funding unit is a city, 36458
local, exempted village, or joint vocational school district, 36459
the district's state share percentage; 36460

(d) The funding unit's category four career-technical 36461
education ADM X the multiple specified in division (A) (4) of 36462
this section X the statewide average career-technical base cost 36463
per pupil for that fiscal year X if the funding unit is a city, 36464
local, exempted village, or joint vocational school district, 36465
the district's state share percentage; 36466

(e) The funding unit's category five career-technical 36467
education ADM X the multiple specified in division (A) (5) of 36468

this section X the statewide average career-technical base cost 36469
per pupil for that fiscal year X if the funding unit is a city, 36470
local, exempted village, or joint vocational school district, 36471
the district's state share percentage. 36472

(2) For fiscal year 2024 and each fiscal year thereafter, 36473
the sum of the following: 36474

(a) An amount calculated in a manner determined by the 36475
general assembly times the funding unit's category one career- 36476
technical education ADM; 36477

(b) An amount calculated in a manner determined by the 36478
general assembly times the funding unit's category two career- 36479
technical education ADM; 36480

(c) An amount calculated in a manner determined by the 36481
general assembly times the funding unit's category three career- 36482
technical education ADM; 36483

(d) An amount calculated in a manner determined by the 36484
general assembly times the funding unit's category four career- 36485
technical education ADM; 36486

(e) An amount calculated in a manner determined by the 36487
general assembly times the funding unit's category five career- 36488
technical education ADM. 36489

(3) Payment of funds calculated under division (C) of this 36490
section is subject to approval under section 3317.161 of the 36491
Revised Code. 36492

(D) Subject to division (I) of section 3317.023 of the 36493
Revised Code, the department shall calculate career-technical 36494
associated services funds for each funding unit that is a city, 36495
local, exempted village, or joint vocational school district or 36496

the community and STEM school unit as follows: 36497

(1) For fiscal years 2022 and 2023, the following product: 36498

(If the funding unit is a city, local, exempted village, or 36499
joint vocational school district, the funding unit's state share 36500
percentage) X the multiple for career-technical education 36501
associated services specified under division (B) of this section 36502
X the statewide average career-technical base cost per pupil for 36503
that fiscal year X the sum of the funding unit's categories one 36504
through five career-technical education ADM 36505

(2) For fiscal year 2024 and each fiscal year thereafter, 36506
an amount calculated in a manner determined by the general 36507
assembly times the funding unit's categories one through five 36508
career-technical education ADM. 36509

(E) (1) In accordance with division (I) of section 3317.023 36510
of the Revised Code, the department shall compute career 36511
awareness and exploration funds for each city, local, exempted 36512
village, and joint vocational school district, community school 36513
established under Chapter 3314. of the Revised Code, and STEM 36514
school established under Chapter 3326. of the Revised Code that 36515
is part of a career technical planning district. The department 36516
shall pay the lead district in each career technical planning 36517
district as follows: 36518

(a) For fiscal years 2022 and 2023, an amount equal to the 36519
following product: 36520

The sum of enrolled ADM for all districts and schools within the 36521
career technical planning district X \$2.50, for fiscal year 36522
2022, or \$5, for fiscal year 2023 36523

(b) For fiscal year 2024 and each fiscal year thereafter, 36524
an amount calculated in a manner determined by the general 36525

assembly, if the general assembly authorizes such a payment to 36526
city, local, exempted village, and joint vocational school 36527
districts, community schools, and STEM schools. 36528

(2) The lead district of a career technical planning 36529
district shall use career awareness and exploration funds in 36530
accordance with division (H) of this section. 36531

(F)(1) In any fiscal year, a school district receiving 36532
funds calculated under division (C) of this section shall spend 36533
those funds only for the purposes that the department designates 36534
as approved for career-technical education expenses. Career- 36535
technical education expenses approved by the department shall 36536
include only expenses connected to the delivery of career- 36537
technical programming to career-technical students. The 36538
department shall require the school district to report data 36539
annually so that the department may monitor the district's 36540
compliance with the requirements regarding the manner in which 36541
funding calculated under division (C) of this section may be 36542
spent. 36543

(2) All funds received under division (C) of this section 36544
shall be spent in the following manner: 36545

(a) At least seventy-five per cent of the funds shall be 36546
spent on curriculum development, purchase, and implementation; 36547
instructional resources and supplies; industry-based program 36548
certification; student assessment, credentialing, and placement; 36549
curriculum specific equipment purchases and leases; career- 36550
technical student organization fees and expenses; home and 36551
agency linkages; work-based learning experiences; professional 36552
development; and other costs directly associated with career- 36553
technical education programs including development of new 36554
programs. 36555

(b) Not more than twenty-five per cent of the funds shall 36556
be used for personnel expenditures. 36557

(G) In any fiscal year, a school district receiving funds 36558
calculated under division (D) of this section, or through a 36559
transfer of funds pursuant to division (I) of section 3317.023 36560
of the Revised Code, shall spend those funds only for the 36561
purposes that the department designates as approved for career- 36562
technical education associated services expenses, which may 36563
include such purposes as apprenticeship coordinators, 36564
coordinators for other career-technical education services, 36565
career-technical evaluation, and other purposes designated by 36566
the department. The department may deny payment of funds 36567
calculated under division (D) of this section to any district 36568
that the department determines is not operating those services 36569
or is using funds calculated under division (D) of this section, 36570
or through a transfer of funds pursuant to division (I) of 36571
section 3317.023 of the Revised Code, for other purposes. 36572

(H) In any fiscal year, a lead district of a career- 36573
technical planning district receiving funds under division (E) 36574
of this section, shall utilize those funds to deliver relevant 36575
career awareness and exploration programs to all students within 36576
its career technical planning district in a manner that is 36577
consistent with the career-technical planning district's plan 36578
that is on file with the department ~~of education~~. The lead 36579
district that receives funds under this division shall spend 36580
those funds only for the following purposes: 36581

(1) Delivery of career awareness programs to students 36582
enrolled in grades kindergarten through twelve; 36583

(2) Provision of a common, consistent curriculum to 36584
students throughout their primary and secondary education; 36585

(3) Assistance to teachers in providing a career development curriculum to students; 36586
36587

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education; 36588
36589
36590

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level. 36591
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The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes. 36594
36595
36596

Sec. 3317.015. (A) In addition to the information certified to the department of education and workforce and the office of budget and management under division (A) of section 3317.021 of the Revised Code, the tax commissioner shall, at the same time, certify the following information to the department and the office of budget and management for each city, exempted village, and local school district to be used for the same purposes as described under that division: 36597
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36599
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(1) The taxable value of the school district's carryover property, as defined in section 319.301 of the Revised Code, for the preceding tax year; 36605
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36607

(2) The increase in such carryover value, if any, between the second preceding tax year and the preceding tax year as used in calculating the percentage reduction under section 319.301 of the Revised Code. 36608
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(B) For each fiscal year the department of education and workforce shall calculate each school district's recognized valuation in the following manner: 36612
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36614

(1) For a school district located in a county in which a reappraisal or triennial update occurred in the preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus two-thirds times the increase in the carryover value from the second preceding tax year to the preceding tax year.

(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year.

(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.

Sec. 3317.017. This section shall apply only for fiscal years 2022 and 2023.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A) (1) (a) of this section by the district's base cost enrolled ADM for the

fiscal year for which the calculation is made. 36644

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows: 36645

(a) Determine the minimum of the following: 36646

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code; 36647

(ii) The total 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. 36648

(b) Divide the amount determined under division (A) (2) (a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 36649

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows: 36650

(a) Determine both of the following: 36651

(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; 36652

(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. 36653

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) 36654

of this section; 36671

(c) Divide the amount determined under division (A) (3) (b) 36672
of this section by the district's base cost enrolled ADM for the 36673
fiscal year for which the calculation is made. 36674

(4) Calculate the district's per-pupil local capacity 36675
percentage as follows: 36676

(a) Determine the median of the median federal adjusted 36677
gross incomes determined for all districts statewide under 36678
division (A) (3) (a) (i) of this section for that fiscal year; 36679

(b) Divide the district's median federal adjusted gross 36680
income for that fiscal year determined under division (A) (3) (a) 36681
(i) of this section by the median federal adjusted gross income 36682
for all districts statewide determined under division (A) (4) (a) 36683
of this section; 36684

(c) Rank all school districts in order of the ratios 36685
calculated under division (A) (4) (b) of this section, from the 36686
district with the highest ratio calculated under division (A) (4) 36687
(b) of this section to the district with the lowest ratio 36688
calculated under division (A) (4) (b) of this section; 36689

(d) Determine the district's per-pupil local capacity 36690
percentage as follows: 36691

(i) If the ratio calculated for the district under 36692
division (A) (4) (b) of this section is greater than or equal to 36693
the ratio calculated under division (A) (4) (b) of this section 36694
for the district with the fortieth highest ratio as determined 36695
under division (A) (4) (c) of this section, the district's per- 36696
pupil local capacity percentage shall be equal to 0.025. 36697

(ii) If the ratio calculated for the district under 36698

division (A) (4) (b) of this section is less than the ratio 36699
calculated under division (A) (4) (b) of this section for the 36700
district with the fortieth highest ratio as determined under 36701
division (A) (4) (c) of this section but greater than 1.0, the 36702
district's per-pupil local capacity percentage shall be equal to 36703
an amount calculated as follows: 36704

{[(The ratio calculated for the district under division 36705
(A) (4) (b) of this section - 1) X 0.0025]/ (the ratio calculated 36706
under division (A) (4) (b) of this section for the district with 36707
the fortieth highest ratio as determined under division (A) (4) 36708
(c) of this section - 1)} + 0.0225 36709

(iii) If the ratio calculated for the district under 36710
division (A) (4) (b) of this section is less than or equal to 1.0, 36711
the district's per-pupil local capacity percentage shall be 36712
equal to the amount calculated under division (A) (4) (b) of this 36713
section times 0.0225. 36714

(5) Calculate the district's per-pupil local capacity 36715
amount for that fiscal year as follows: 36716

(The district's valuation per pupil calculated under division 36717
(A) (1) of this section for that fiscal year X the district's 36718
per-pupil local capacity percentage calculated under division 36719
(A) (4) of this section X 0.60) + (the district's local share 36720
adjusted federal gross income per pupil calculated under 36721
division (A) (2) of this section for that fiscal year X the 36722
district's per-pupil local capacity percentage calculated under 36723
division (A) (4) of this section X 0.20) + (the district's 36724
adjusted local share federal adjusted gross income per pupil 36725
calculated under division (A) (3) of this section for that fiscal 36726
year X the district's per-pupil local capacity percentage 36727
calculated under division (A) (4) of this section X 0.20) 36728

(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
- the district's per pupil local capacity amount for that fiscal
year)/(the district's base cost per pupil amount for that fiscal
year).

If the result is less than 0.05, the state share percentage
shall be 0.05.

Sec. 3317.019. (A) (1) Subject to division (C) of this
section, for fiscal years 2022 and 2023, the department of
education and workforce shall pay temporary transitional aid to
each city, local, and exempted village school district according

to the following formula: 36758

(The district's funding base, as that term is defined in section 36759
3317.02 of the Revised Code) - (the district's payment under 36760
section 3317.022 of the Revised Code - the district's payment 36761
for supplemental targeted assistance under section 3317.0218 of 36762
the Revised Code for the fiscal year for which each payment is 36763
computed) 36764

If the computation made under division (A)(1) of this 36765
section results in a negative number, the district's funding 36766
under division (A)(1) of this section shall be zero. 36767

(2) For fiscal years 2022 and 2023, the department shall 36768
pay temporary transitional transportation aid to that district 36769
according to the following formula: 36770

(The amount calculated for the district for fiscal year 2020 36771
under division (A)(2) of Section 265.220 of H.B. 166 of the 36772
133rd general assembly, prior to any funding reductions 36773
authorized by Executive Order 2020-19D, "Implementing Additional 36774
Spending Controls to Balance the State Budget" issued on May 7, 36775
2020) - (the district's payment for fiscal year 2019 under 36776
division (D)(2) of section 3314.091 of the Revised Code as that 36777
division existed prior to September 30, 2021) - (the district's 36778
payment under section 3317.0212 of the Revised Code for the 36779
fiscal year for which the payment is computed) 36780

If the computation made under division (A)(2) of this 36781
section results in a negative number, the district's funding 36782
under division (A)(2) of this section shall be zero. 36783

(B) If a local school district participates in the 36784
establishment of a joint vocational school district that begins 36785
receiving payments under section 3317.16 of the Revised Code for 36786

fiscal year 2022 or fiscal year 2023, but does not receive 36787
payments for the fiscal year immediately preceding that fiscal 36788
year, the department shall adjust, as necessary, the district's 36789
funding base, as that term is defined in section 3317.02 of the 36790
Revised Code, according to the amounts received by the district 36791
in the immediately preceding fiscal year for career-technical 36792
education students who attend the newly established joint 36793
vocational school district. 36794

(C) (1) For purposes of division (C) of this section, a 36795
district's "decrease threshold" for a fiscal year is the greater 36796
of the following: 36797

(a) Twenty; 36798

(b) Ten per cent of the number of the district's students 36799
counted under division (A) (1) (b) of section 3317.03 of the 36800
Revised Code for the previous fiscal year. 36801

(2) For fiscal years 2022 and 2023, if a district has 36802
fewer students counted under division (A) (1) (b) of section 36803
3317.03 of the Revised Code for that fiscal year than for the 36804
previous fiscal year and the positive difference between those 36805
two student counts is greater than or equal to the district's 36806
decrease threshold for that fiscal year, the amount paid to the 36807
district under division (A) of this section shall be reduced by 36808
the following amount: 36809

The statewide average base cost per pupil X [(the positive 36810
difference between the number of the district's students counted 36811
under division (A) (1) (b) of section 3317.03 of the Revised Code 36812
for that fiscal year and the number of the district's students 36813
counted under that division for the previous fiscal year) - the 36814
district's decrease threshold for that fiscal year] 36815

At no time, however, shall the amount paid to a district 36816
under division (A) of this section be less than zero. 36817

Sec. 3317.02. As used in this chapter: 36818

(A) "Alternative school" has the same meaning as in 36819
section 3313.974 of the Revised Code. 36820

(B) "Autism scholarship unit" means a unit that consists 36821
of all of the students for whom autism scholarships are awarded 36822
under section 3310.41 of the Revised Code. 36823

(C) For fiscal years 2022 and 2023, a district's "base 36824
cost enrolled ADM" for a fiscal year means the greater of the 36825
following: 36826

(1) The district's enrolled ADM for the previous fiscal 36827
year; 36828

(2) The average of the district's enrolled ADM for the 36829
previous three fiscal years. 36830

(D) (1) "Base cost per pupil" means the following for a 36831
city, local, or exempted village school district: 36832

(a) For fiscal years 2022 and 2023, the aggregate base 36833
cost calculated for that district for that fiscal year under 36834
section 3317.011 of the Revised Code divided by the district's 36835
base cost enrolled ADM for that fiscal year; 36836

(b) For fiscal year 2024 and each fiscal year thereafter, 36837
an amount calculated in a manner determined by the general 36838
assembly. 36839

(2) "Base cost per pupil" means the following for a joint 36840
vocational school district: 36841

(a) For fiscal years 2022 and 2023, the aggregate base 36842

cost calculated for that district for that fiscal year under 36843
section 3317.012 of the Revised Code divided by the district's 36844
base cost enrolled ADM for that fiscal year; 36845

(b) For fiscal year 2024 and each fiscal year thereafter, 36846
an amount calculated in a manner determined by the general 36847
assembly. 36848

(E) (1) "Category one career-technical education ADM" means 36849
the enrollment of students during the school year on a full-time 36850
equivalency basis in career-technical education programs 36851
described in division (A) (1) of section 3317.014 of the Revised 36852
Code and, in the case of a funding unit that is a city, local, 36853
exempted village, or joint vocational school district, certified 36854
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 36855
Revised Code or, in the case of the community and STEM school 36856
unit, reported by all community and STEM schools statewide under 36857
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36858
and division (D) of section 3326.32 of the Revised Code. 36859

(2) "Category two career-technical education ADM" means 36860
the enrollment of students during the school year on a full-time 36861
equivalency basis in career-technical education programs 36862
described in division (A) (2) of section 3317.014 of the Revised 36863
Code and, in the case of a funding unit that is a city, local, 36864
exempted village, or joint vocational school district, certified 36865
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 36866
Revised Code or, in the case of the community and STEM school 36867
unit, reported by all community and STEM schools statewide under 36868
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36869
and division (D) of section 3326.32 of the Revised Code. 36870

(3) "Category three career-technical education ADM" means 36871
the enrollment of students during the school year on a full-time 36872

equivalency basis in career-technical education programs 36873
described in division (A) (3) of section 3317.014 of the Revised 36874
Code and, in the case of a funding unit that is a city, local, 36875
exempted village, or joint vocational school district, certified 36876
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 36877
Revised Code or, in the case of the community and STEM school 36878
unit, reported by all community and STEM schools statewide under 36879
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36880
and division (D) of section 3326.32 of the Revised Code. 36881

(4) "Category four career-technical education ADM" means 36882
the enrollment of students during the school year on a full-time 36883
equivalency basis in career-technical education programs 36884
described in division (A) (4) of section 3317.014 of the Revised 36885
Code and, in the case of a funding unit that is a city, local, 36886
exempted village, or joint vocational school district, certified 36887
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 36888
Revised Code or, in the case of the community and STEM school 36889
unit, reported by all community and STEM schools statewide under 36890
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36891
and division (D) of section 3326.32 of the Revised Code. 36892

(5) "Category five career-technical education ADM" means 36893
the enrollment of students during the school year on a full-time 36894
equivalency basis in career-technical education programs 36895
described in division (A) (5) of section 3317.014 of the Revised 36896
Code and, in the case of a funding unit that is a city, local, 36897
exempted village, or joint vocational school district, certified 36898
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 36899
Revised Code or, in the case of the community and STEM school 36900
unit, reported by all community and STEM schools statewide under 36901
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36902
and division (D) of section 3326.32 of the Revised Code. 36903

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) 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) (16) or (D) (2) (m) 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.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) 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) (17) or (D) (2) (n) 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.

(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 36934
full-time equivalent number of children with disabilities 36935
receiving special education services for the disability 36936
specified in division (A) of section 3317.013 of the Revised 36937
Code and, in the case of a funding unit that is a city, local, 36938
exempted village, or joint vocational school district, certified 36939
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 36940
Revised Code or, in the case of the community and STEM school 36941
unit, reported by all community and STEM schools statewide under 36942
division (B) (3) of section 3314.08 of the Revised Code and 36943
division (C) of section 3326.32 of the Revised Code. 36944

(2) "Category two special education ADM" means the full- 36945
time equivalent number of children with disabilities receiving 36946
special education services for those disabilities specified in 36947
division (B) of section 3317.013 of the Revised Code and, in the 36948
case of a funding unit that is a city, local, exempted village, 36949
or joint vocational school district, certified under division 36950
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 36951
in the case of the community and STEM school unit, reported by 36952
all community and STEM schools statewide under division (B) (3) 36953
of section 3314.08 of the Revised Code and division (C) of 36954
section 3326.32 of the Revised Code. 36955

(3) "Category three special education ADM" means the full- 36956
time equivalent number of students receiving special education 36957
services for those disabilities specified in division (C) of 36958
section 3317.013 of the Revised Code, and, in the case of a 36959
funding unit that is a city, local, exempted village, or joint 36960
vocational school district, certified under division (B) (7) or 36961
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 36962
of the community and STEM school unit, reported by all community 36963
and STEM schools statewide under division (B) (3) of section 36964

3314.08 of the Revised Code and division (C) of section 3326.32 36965
of the Revised Code. 36966

(4) "Category four special education ADM" means the full- 36967
time equivalent number of students receiving special education 36968
services for those disabilities specified in division (D) of 36969
section 3317.013 of the Revised Code and, in the case of a 36970
funding unit that is a city, local, exempted village, or joint 36971
vocational school district, certified under division (B) (8) or 36972
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 36973
of the community and STEM school unit, reported by all community 36974
and STEM schools statewide under division (B) (3) of section 36975
3314.08 of the Revised Code and division (C) of section 3326.32 36976
of the Revised Code. 36977

(5) "Category five special education ADM" means the full- 36978
time equivalent number of students receiving special education 36979
services for the disabilities specified in division (E) of 36980
section 3317.013 of the Revised Code and, in the case of a 36981
funding unit that is a city, local, exempted village, or joint 36982
vocational school district, certified under division (B) (9) or 36983
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 36984
of the community and STEM school unit, reported by all community 36985
and STEM schools statewide under division (B) (3) of section 36986
3314.08 of the Revised Code and division (C) of section 3326.32 36987
of the Revised Code. 36988

(6) "Category six special education ADM" means the full- 36989
time equivalent number of students receiving special education 36990
services for the disabilities specified in division (F) of 36991
section 3317.013 of the Revised Code and, in the case of a 36992
funding unit that is a city, local, exempted village, or joint 36993
vocational school district certified under division (B) (10) or 36994

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 36995
of the community and STEM school unit, reported by all community 36996
and STEM schools statewide under division (B) (3) of section 36997
3314.08 of the Revised Code and division (C) of section 3326.32 36998
of the Revised Code. 36999

(H) "Community and STEM school unit" means a unit that 37000
consists of all of the students enrolled in community schools 37001
established under Chapter 3314. of the Revised Code and science, 37002
technology, engineering, and mathematics schools established 37003
under Chapter 3326. of the Revised Code. 37004

(I) (1) "Economically disadvantaged index for a school 37005
district" means the following: 37006

(a) For fiscal years 2022 and 2023, the square of the 37007
quotient of that district's percentage of students in its 37008
enrolled ADM who are identified as economically disadvantaged as 37009
defined by the department of education and workforce, divided by 37010
the percentage of students in the statewide ADM identified as 37011
economically disadvantaged. For purposes of this calculation: 37012

(i) For a city, local, or exempted village school 37013
district, the "statewide ADM" equals the sum of the following: 37014

(I) The enrolled ADM for all city, local, and exempted 37015
village school districts combined; 37016

(II) The statewide enrollment of students in community 37017
schools established under Chapter 3314. of the Revised Code; 37018

(III) The statewide enrollment of students in science, 37019
technology, engineering, and mathematics schools established 37020
under Chapter 3326. of the Revised Code. 37021

(ii) For a joint vocational school district, the 37022

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 37023
37024

(b) For fiscal year 2024 and each fiscal year thereafter, 37025
an index calculated in a manner determined by the general 37026
assembly. 37027

(2) "Economically disadvantaged index for a community or STEM school" means the following: 37028
37029

(a) For fiscal years 2022 and 2023, the square of the 37030
quotient of the percentage of students enrolled in the school 37031
who are identified as economically disadvantaged as defined by 37032
the department ~~of education~~, divided by the percentage of 37033
students in the statewide ADM identified as economically 37034
disadvantaged. For purposes of this calculation, the "statewide 37035
ADM" equals the "statewide ADM" for city, local, and exempted 37036
village school districts described in division (I) (1) (a) (i) of 37037
this section. 37038

(b) For fiscal year 2024 and each fiscal year thereafter, 37039
an index calculated in a manner determined by the general 37040
assembly. 37041

(J) "Educational choice scholarship unit" means a unit 37042
that consists of all of the students for whom educational choice 37043
scholarships are awarded under sections 3310.03 and 3310.032 of 37044
the Revised Code. 37045

(K) "Enrolled ADM" means the following: 37046

(1) For a city, local, or exempted village school 37047
district, the enrollment reported under division (A) of section 37048
3317.03 of the Revised Code, as verified by the ~~superintendent~~ 37049
~~of public instruction department~~ and adjusted if so ordered 37050
under division (K) of that section, and as further adjusted by 37051

the department ~~of education~~, as follows: 37052

(a) Add the students described in division (A) (1) (b) of 37053
section 3317.03 of the Revised Code; 37054

(b) Subtract the students counted under divisions (A) (2) 37055
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 37056
Revised Code; 37057

(c) Count only twenty per cent of the number of joint 37058
vocational school district students counted under division (A) 37059
(3) of section 3317.03 of the Revised Code; 37060

(d) Add twenty per cent of the number of students who are 37061
entitled to attend school in the district under section 3313.64 37062
or 3313.65 of the Revised Code and are enrolled in another 37063
school district under a career-technical education compact; 37064

(e) Add twenty per cent of the number of students 37065
described in division (A) (1) (b) of section 3317.03 of the 37066
Revised Code who enroll in a joint vocational school district or 37067
under a career-technical education compact. 37068

(2) For a joint vocational school district, the final 37069
number verified by the ~~superintendent of public instruction~~ 37070
department, based on the enrollment reported and certified under 37071
division (D) of section 3317.03 of the Revised Code, as 37072
adjusted, if so ordered, under division (K) of that section, and 37073
as further adjusted by the department ~~of education~~ by adding the 37074
students described in division (D) (1) (b) of section 3317.03 of 37075
the Revised Code; 37076

(3) For the community and STEM school unit, the sum of the 37077
number of students reported as enrolled in community schools 37078
under divisions (B) (1) and (2) of section 3314.08 of the Revised 37079
Code and the number of students reported as enrolled in STEM 37080

schools under division (A) of section 3326.32 of the Revised Code; 37081
37082

(4) For the educational choice scholarship unit, the 37083
number of students for whom educational choice scholarships are 37084
awarded under sections 3310.03 and 3310.032 of the Revised Code 37085
as reported under division (A) (2) (g) of section 3317.03 of the 37086
Revised Code; 37087

(5) For the pilot project scholarship unit, the number of 37088
students for whom pilot project scholarships are awarded under 37089
sections 3313.974 to 3313.979 of the Revised Code as reported 37090
under division (A) (2) (b) of section 3317.03 of the Revised Code; 37091

(6) For the autism scholarship unit, the number of 37092
students for whom autism scholarships are awarded under section 37093
3310.41 of the Revised Code as reported under division (A) (2) (h) 37094
of section 3317.03 of the Revised Code; 37095

(7) For the Jon Peterson special needs scholarship unit, 37096
the number of students for whom Jon Peterson special needs 37097
scholarships are awarded under sections 3310.51 to 3310.64 of 37098
the Revised Code as reported under division (A) (2) (h) of section 37099
3317.03 of the Revised Code. 37100

(L) (1) "Formula ADM" means, for a city, local, or exempted 37101
village school district, the enrollment reported under division 37102
(A) of section 3317.03 of the Revised Code, as verified by the 37103
~~superintendent of public instruction department~~ and adjusted if 37104
so ordered under division (K) of that section, and as further 37105
adjusted by the ~~department of education~~, as follows: 37106

(a) Count only twenty per cent of the number of joint 37107
vocational school district students counted under division (A) 37108
(3) of section 3317.03 of the Revised Code; 37109

(b) Add twenty per cent of the number of students who are 37110
entitled to attend school in the district under section 3313.64 37111
or 3313.65 of the Revised Code and are enrolled in another 37112
school district under a career-technical education compact. 37113

(2) "Formula ADM" means, for a joint vocational school 37114
district, the final number verified by the ~~superintendent of~~ 37115
~~public instruction department~~, based on the enrollment reported 37116
and certified under division (D) of section 3317.03 of the 37117
Revised Code, as adjusted, if so ordered, under division (K) of 37118
that section. 37119

(M) "FTE basis" means a count of students based on full- 37120
time equivalency, in accordance with rules adopted by the 37121
department ~~of education~~ pursuant to section 3317.03 of the 37122
Revised Code. In adopting its rules under this division, the 37123
department shall provide for counting any student in category 37124
one, two, three, four, five, or six special education ADM or in 37125
category one, two, three, four, or five career-technical 37126
education ADM in the same proportion the student is counted in 37127
enrolled ADM and formula ADM. 37128

(N) For fiscal years 2022 and 2023, "funding base" means, 37129
for a city, local, or exempted village school district, the sum 37130
of the following as calculated by the department: 37131

(1) The district's "general funding base," which equals 37132
the amount calculated as follows: 37133

(a) Compute the sum of the following: 37134

(i) The amount calculated for the district for fiscal year 37135
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 37136
133rd general assembly after any adjustments required under 37137
Section 265.227 of H.B. 166 of the 133rd general assembly and 37138

prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020; 37139
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(ii) Either of the following: 37142

(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021; 37143
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(II) For fiscal year 2023, the district's payments for fiscal year 2020 under divisions (C) (1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021. 37147
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(b) Subtract from the amount calculated in division (N) (1) (a) of this section the sum of the following: 37151
37152

(i) The following difference: 37153

(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) 37154
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(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 37164
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2021, in accordance with division (A) of Section 265.230 of H.B. 37168
166 of the 133rd general assembly; 37169

(iii) The payments deducted from the district and paid to 37170
a science, technology, engineering, and mathematics school for 37171
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 37172
and (G) of section 3326.33 of the Revised Code as those 37173
divisions existed prior to September 30, 2021, in accordance 37174
with division (A) of Section 265.235 of H.B. 166 of the 133rd 37175
general assembly; 37176

(iv) The payments deducted from the district under 37177
division (C) of section 3310.08 of the Revised Code as that 37178
division existed prior to September 30, 2021, division (C)(2) of 37179
section 3310.41 of the Revised Code as that division existed 37180
prior to September 30, 2021, and former section 3310.55 of the 37181
Revised Code for fiscal year 2020 and, in the case of a pilot 37182
project school district as defined in section 3313.975 of the 37183
Revised Code, the funds deducted from the district under Section 37184
265.210 of H.B. 166 of the 133rd general assembly to operate the 37185
pilot project scholarship program for fiscal year 2020 under 37186
sections 3313.974 to 3313.979 of the Revised Code; 37187

(v) Either of the following: 37188

(I) For fiscal year 2022, the payments subtracted from the 37189
district for fiscal year 2020 under divisions (B)(1), (2), and 37190
(3) of section 3313.981 of the Revised Code as those divisions 37191
existed prior to September 30, 2021; 37192

(II) For fiscal year 2023, the payments subtracted from 37193
the district for fiscal year 2020 under divisions (B)(1) and (3) 37194
of section 3313.981 of the Revised Code as those divisions 37195
existed prior to September 30, 2021. 37196

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:	37197 37198
(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)	37199 37200 37201 37202 37203 37204 37205 37206 37207 37208
(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:	37209 37210 37211
(1) The district's "general funding base," which equals the amount calculated as follows:	37212 37213
(a) Compute the sum of the following:	37214
(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;	37215 37216 37217 37218
(ii) Either of the following:	37219
(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;	37220 37221 37222 37223
(II) For fiscal year 2023, the district's payments for	37224

fiscal year 2020 under divisions (D) (1) and (2) of section 37225
3313.981 of the Revised Code as those divisions existed prior to 37226
September 30, 2021. 37227

(b) Subtract from the amount paid to the district under 37228
division (A) (3) of section 3317.16 of the Revised Code, as that 37229
division existed prior to September 30, 2021, for fiscal year 37230
2019. 37231

(2) The district's "disadvantaged pupil impact aid funding 37232
base," which equals the amount paid to the district under 37233
division (A) (3) of section 3317.16 of the Revised Code, as that 37234
division existed prior to September 30, 2021, for fiscal year 37235
2019. 37236

(P) For fiscal years 2022 and 2023, "funding base" for a 37237
community school means the following: 37238

(1) For a community school that was in operation for the 37239
entirety of fiscal year 2020, the amount paid to the school for 37240
that fiscal year under division (C) (1) of section 3314.08 of the 37241
Revised Code as that division existed prior to September 30, 37242
2021, in accordance with division (A) of Section 265.230 of H.B. 37243
166 of the 133rd general assembly and the amount, if any, paid 37244
to the school for that fiscal year under section 3314.085 of the 37245
Revised Code in accordance with division (B) of Section 265.230 37246
of H.B. 166 of the 133rd general assembly; 37247

(2) For a community school that was in operation for part 37248
of fiscal year 2020, the amount that would have been paid to the 37249
school for that fiscal year under division (C) (1) of section 37250
3314.08 of the Revised Code as that division existed prior to 37251
September 30, 2021, in accordance with division (A) of Section 37252
265.230 of H.B. 166 of the 133rd general assembly if the school 37253

had been in operation for the entirety of that fiscal year, as 37254
calculated by the department, and the amount that would have 37255
been paid to the school for that fiscal year under section 37256
3314.085 of the Revised Code in accordance with division (B) of 37257
Section 265.230 of H.B. 166 of the 133rd general assembly, if 37258
any, if the school had been in operation for the entirety of 37259
that fiscal year, as calculated by the department; 37260

(3) For a community school that was not in operation for 37261
fiscal year 2020, the amount that would have been paid to the 37262
school if it was in operation for that school year under 37263
division (C)(1) of section 3314.08 of the Revised Code as that 37264
division existed prior to September 30, 2021, in accordance with 37265
division (A) of Section 265.230 of H.B. 166 of the 133rd general 37266
assembly if the school had been in operation for the entirety of 37267
that fiscal year, as calculated by the department, and the 37268
amount that would have been paid to the school for that fiscal 37269
year under section 3314.085 of the Revised Code in accordance 37270
with division (B) of Section 265.230 of H.B. 166 of the 133rd 37271
general assembly, if any, if the school had been in operation 37272
for the entirety of that fiscal year, as calculated by the 37273
department. 37274

(Q) For fiscal years 2022 and 2023, "funding base" for a 37275
STEM school means the following: 37276

(1) For a science, technology, engineering, and 37277
mathematics school that was in operation for the entirety of 37278
fiscal year 2020, the amount paid to the school for that fiscal 37279
year under section 3326.33 of the Revised Code as that section 37280
existed prior to September 30, 2021, in accordance with division 37281
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 37282
and the amount, if any, paid to the school for that fiscal year 37283

under section 3326.41 of the Revised Code in accordance with 37284
division (B) of Section 265.235 of H.B. 166 of the 133rd general 37285
assembly; 37286

(2) For a science, technology, engineering, and 37287
mathematics school that was in operation for part of fiscal year 37288
2020, the amount that would have been paid to the school for 37289
that fiscal year under section 3326.33 of the Revised Code as 37290
that section existed prior to September 30, 2021, in accordance 37291
with division (A) of Section 265.235 of H.B. 166 of the 133rd 37292
general assembly if the school had been in operation for the 37293
entirety of that fiscal year, as calculated by the department, 37294
and the amount that would have been paid to the school for that 37295
fiscal year under section 3326.41 of the Revised Code in 37296
accordance with division (B) of Section 265.235 of H.B. 166 of 37297
the 133rd general assembly, if any, if the school had been in 37298
operation for the entirety of that fiscal year, as calculated by 37299
the department; 37300

(3) For a science, technology, engineering, and 37301
mathematics school that was not in operation for fiscal year 37302
2020, the amount that would have been paid to the school if it 37303
was in operation for that school year under section 3326.33 of 37304
the Revised Code as that section existed prior to September 30, 37305
2021, in accordance with division (A) of Section 265.235 of H.B. 37306
166 of the 133rd general assembly if the school had been in 37307
operation for the entirety of that fiscal year, as calculated by 37308
the department, and the amount that would have been paid to the 37309
school for that fiscal year under section 3326.41 of the Revised 37310
Code in accordance with division (B) of Section 265.235 of H.B. 37311
166 of the 133rd general assembly, if any, if the school had 37312
been in operation for the entirety of that fiscal year, as 37313
calculated by the department. 37314

(R) "Funding unit" means any of the following:	37315
(1) A city, local, exempted village, or joint vocational school district;	37316 37317
(2) The community and STEM school unit;	37318
(3) The educational choice scholarship unit;	37319
(4) The pilot project scholarship unit;	37320
(5) The autism scholarship unit;	37321
(6) The Jon Peterson special needs scholarship unit.	37322
(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.	37323 37324 37325 37326
(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	37327 37328
(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."	37329 37330 37331 37332 37333 37334 37335 37336
(V) "Medically fragile child" means a child to whom all of the following apply:	37337 37338
(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.	37339 37340 37341

(2) The child requires the services of a registered nurse on a daily basis. 37342
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 37344
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(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education department~~ and if either of the following apply: 37347
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(a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction department~~ as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 37352
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(b) The child is determined by the ~~superintendent of public instruction department~~ to be a medically fragile child. A school district superintendent may petition the ~~superintendent of public instruction department~~ for a determination that a child is a medically fragile child. 37357
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(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education department~~ but the child's condition does not meet either of the conditions specified in division (W) (1) (a) or (b) of this section. 37362
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(X) (1) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in 37368
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percentage" is equal to the percentage for that fiscal year that 37371
is determined by the general assembly. 37372

(2) For fiscal years 2022 and 2023, a city, local, 37373
exempted village, or joint vocational school district's "phase- 37374
in percentage for disadvantaged pupil impact aid" is equal to 37375
the percentage for that fiscal year that is determined by the 37376
general assembly. 37377

(Y) "Pilot project scholarship unit" means a unit that 37378
consists of all of the students for whom pilot project 37379
scholarships are awarded under sections 3313.974 to 3313.979 of 37380
the Revised Code. 37381

(Z) "Preschool child with a disability" means a child with 37382
a disability, as defined in section 3323.01 of the Revised Code, 37383
who is at least age three but is not of compulsory school age, 37384
as defined in section 3321.01 of the Revised Code, and who is 37385
not currently enrolled in kindergarten. 37386

(AA) "Related services" includes: 37387

(1) Child study, special education supervisors and 37388
coordinators, speech and hearing services, adaptive physical 37389
development services, occupational or physical therapy, teacher 37390
assistants for children with disabilities whose disabilities are 37391
described in division (B) of section 3317.013 or division (G) (3) 37392
of this section, behavioral intervention, interpreter services, 37393
work study, nursing services, and specialized integrative 37394
services as those terms are defined by the department; 37395

(2) Speech and language services provided to any student 37396
with a disability, including any student whose primary or only 37397
disability is a speech and language disability; 37398

(3) Any related service not specifically covered by other 37399

state funds but specified in federal law, including but not 37400
limited to, audiology and school psychological services; 37401

(4) Any service included in units funded under former 37402
division (O) (1) of section 3317.024 of the Revised Code; 37403

(5) Any other related service needed by children with 37404
disabilities in accordance with their individualized education 37405
programs. 37406

(BB) "School district," unless otherwise specified, means 37407
city, local, and exempted village school districts. 37408

(CC) "Separately educated student with a disability" has 37409
the same meaning as in section 3313.974 of the Revised Code. 37410

(DD) "State education aid" has the same meaning as in 37411
section 5751.20 of the Revised Code. 37412

(EE) (1) "State share percentage" means the following for a 37413
city, local, or exempted village school district: 37414

(a) For fiscal years 2022 and 2023, the state share 37415
percentage calculated under section 3317.017 of the Revised 37416
Code; 37417

(b) For fiscal year 2024 and each fiscal year thereafter, 37418
a percentage calculated in a manner determined by the general 37419
assembly. 37420

(2) "State share percentage" means the following for a 37421
joint vocational school district: 37422

(a) For fiscal years 2022 and 2023, the percentage 37423
calculated in accordance with the following formula: 37424

The amount computed for the district under division (A) (1) of 37425
section 3317.16 of the Revised Code for that fiscal year / the 37426

aggregate base cost calculated for the district for that fiscal 37427
year under section 3317.012 of the Revised Code 37428

(b) For fiscal year 2024 and each fiscal year thereafter, 37429
a percentage calculated in a manner determined by the general 37430
assembly. 37431

(FF) "Statewide average base cost per pupil" means the 37432
following: 37433

(1) For fiscal years 2022 and 2023, the statewide average 37434
base cost per pupil calculated under division (A) of section 37435
3317.018 of the Revised Code; 37436

(2) For fiscal year 2024 and each fiscal year thereafter, 37437
an amount calculated in a manner determined by the general 37438
assembly. 37439

(GG) "Statewide average career-technical base cost per 37440
pupil" means the following: 37441

(1) For fiscal years 2022 and 2023, the statewide average 37442
career-technical base cost per pupil calculated under division 37443
(B) of section 3317.018 of the Revised Code; 37444

(2) For fiscal year 2024 and each fiscal year thereafter, 37445
an amount calculated in a manner determined by the general 37446
assembly. 37447

(HH) "STEM school" means a science, technology, 37448
engineering, and mathematics school established under Chapter 37449
3326. of the Revised Code. 37450

(II) "Taxes charged and payable" means the taxes charged 37451
and payable against real and public utility property after 37452
making the reduction required by section 319.301 of the Revised 37453
Code, plus the taxes levied against tangible personal property. 37454

(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the ~~superintendent of public instruction~~ department and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of 37484
the student's family or the student's athletic or academic 37485
ability and for which all students in the school may qualify. 37486

Sec. 3317.021. (A) On or before the first day of June of 37487
each year, the tax commissioner shall certify to the department 37488
of education and workforce and the office of budget and 37489
management the information described in divisions (A) (1) to (5) 37490
of this section for each city, exempted village, and local 37491
school district, and the information required by divisions (A) 37492
(1) and (2) of this section for each joint vocational school 37493
district, and it shall be used, along with the information 37494
certified under division (B) of this section, in making the 37495
computations for the district under this chapter. 37496

(1) The taxable value of real and public utility real 37497
property in the school district subject to taxation in the 37498
preceding tax year, by class and by county of location. 37499

(2) The taxable value of tangible personal property, 37500
including public utility personal property, subject to taxation 37501
by the district for the preceding tax year. 37502

(3) (a) The total property tax rate and total taxes charged 37503
and payable for the current expenses for the preceding tax year 37504
and the total property tax rate and the total taxes charged and 37505
payable to a joint vocational district for the preceding tax 37506
year that are limited to or to the extent apportioned to current 37507
expenses. 37508

(b) The portion of the amount of taxes charged and payable 37509
reported for each city, local, and exempted village school 37510
district under division (A) (3) (a) of this section attributable 37511
to a joint vocational school district. 37512

(4) The value of all real and public utility real property 37513
in the school district exempted from taxation minus both of the 37514
following: 37515

(a) The value of real and public utility real property in 37516
the district owned by the United States government and used 37517
exclusively for a public purpose; 37518

(b) The value of real and public utility real property in 37519
the district exempted from taxation under Chapter 725. or 1728. 37520
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 37521
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 37522

(5) The total federal adjusted gross income of the 37523
residents of the school district, based on tax returns filed by 37524
the residents of the district, for the most recent year for 37525
which this information is available, and the median Ohio 37526
adjusted gross income of the residents of the school district 37527
determined on the basis of tax returns filed for the second 37528
preceding tax year by the residents of the district. 37529

(6) For fiscal years 2022 and 2023, the number of state 37530
tax returns filed by the residents of the district for the most 37531
recent year for which this information is available. 37532

(B) On or before the first day of May each year, the tax 37533
commissioner shall certify to the department of education and 37534
workforce and the office of budget and management the total 37535
taxable real property value of railroads and, separately, the 37536
total taxable tangible personal property value of all public 37537
utilities for the preceding tax year, by school district and by 37538
county of location. 37539

(C) If on the basis of the information certified under 37540
division (A) of this section, the department determines that any 37541

district fails in any year to meet the qualification requirement 37542
specified in division (A) of section 3317.01 of the Revised 37543
Code, the department shall immediately request the tax 37544
commissioner to determine the extent to which any school 37545
district income tax levied by the district under Chapter 5748. 37546
of the Revised Code shall be included in meeting that 37547
requirement. Within five days of receiving such a request from 37548
the department, the tax commissioner shall make the 37549
determination required by this division and report the quotient 37550
obtained under division (C) (3) of this section to the department 37551
and the office of budget and management. This quotient 37552
represents the number of mills that the department shall include 37553
in determining whether the district meets the qualification 37554
requirement of division (A) of section 3317.01 of the Revised 37555
Code. 37556

The tax commissioner shall make the determination required 37557
by this division as follows: 37558

(1) Multiply one mill times the total taxable value of the 37559
district as determined in divisions (A) (1) and (2) of this 37560
section; 37561

(2) Estimate the total amount of tax liability for the 37562
current tax year under taxes levied by Chapter 5748. of the 37563
Revised Code that are apportioned to current operating expenses 37564
of the district, excluding any income tax receipts allocated for 37565
the project cost, debt service, or maintenance set-aside 37566
associated with a state-assisted classroom facilities project as 37567
authorized by section 3318.052 of the Revised Code; 37568

(3) Divide the amount estimated under division (C) (2) of 37569
this section by the product obtained under division (C) (1) of 37570
this section. 37571

Sec. 3317.022. The department of education and workforce 37572
shall compute and distribute state core foundation funding to 37573
each eligible funding unit that is a city, local, or exempted 37574
village school district, the community and STEM school unit, the 37575
educational choice scholarship unit, the pilot project 37576
scholarship unit, the autism scholarship unit, and the Jon 37577
Peterson special needs scholarship unit for the fiscal year, 37578
using the information obtained under section 3317.021 of the 37579
Revised Code in the calendar year in which the fiscal year 37580
begins in accordance with the following: 37581

For fiscal years 2022 and 2023, for a funding unit that is 37582
a city, local, or exempted village school district: 37583

The district's funding base + [(the district's state core 37584
foundation funding components for that fiscal year calculated 37585
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 37586
section - the district's general funding base calculated in 37587
accordance with division (N) (1) of section 3317.02 of the 37588
Revised Code) X the district's general phase-in percentage for 37589
that fiscal year] + [(the district's disadvantaged pupil impact 37590
aid for that fiscal year calculated under division (A) (4) of 37591
this section - the district's disadvantaged pupil impact aid 37592
funding base calculated in accordance with division (N) (2) of 37593
section 3317.02 of the Revised Code) X the district's phase-in 37594
percentage for disadvantaged pupil impact aid for that fiscal 37595
year] + the district's supplemental targeted assistance funds 37596
calculated under section 3317.0218 of the Revised Code 37597

For fiscal year 2024 and each fiscal year thereafter, for 37598
a funding unit that is a city, local, or exempted village school 37599
district, the sum of the district's state core foundation 37600
funding components for that fiscal year calculated under 37601

divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 37602
section and the district's supplemental targeted assistance 37603
funds calculated under section 3317.0218 of the Revised Code, if 37604
the general assembly authorizes such payments to these funding 37605
units. 37606

For fiscal years 2022 and 2023, for the community and STEM 37607
school unit, an amount calculated in accordance with section 37608
3317.026 of the Revised Code. 37609

For fiscal years 2024 and each fiscal year thereafter, for 37610
the community and STEM school unit, an amount calculated in 37611
accordance with divisions (A) (1), (3), (4), (5), (7), (8), and 37612
(9) of this section, if the general assembly authorizes such 37613
payments to these funding units. 37614

For the educational choice scholarship unit, the amount 37615
calculated under division (A) (10) of this section. 37616

For the pilot project scholarship unit, the amount 37617
calculated under division (A) (11) of this section. 37618

For the autism scholarship unit, the amount calculated 37619
under division (A) (12) of this section. 37620

For the Jon Peterson special needs scholarship unit, the 37621
amount calculated under division (A) (13) of this section. 37622

(A) A funding unit's state core foundation funding 37623
components shall be the following: 37624

(1) (a) If the funding unit is a city, local, or exempted 37625
village school district, the district's state share, which is 37626
equal to the following: 37627

(i) For fiscal years 2022 and 2023, the amount calculated 37628
under division (B) of section 3317.017 of the Revised Code; 37629

(ii) For fiscal year 2024 and each fiscal year thereafter, 37630
an amount calculated in a manner determined by the general 37631
assembly. 37632

(b) If the funding unit is the community and STEM school 37633
unit, the aggregate base cost for all schools in that unit, 37634
which is equal to the following: 37635

(i) For fiscal years 2022 and 2023, the amount calculated 37636
under section 3317.0110 of the Revised Code; 37637

(ii) For fiscal year 2024 and each fiscal year thereafter, 37638
an amount calculated in a manner determined by the general 37639
assembly. 37640

(2) If the funding unit is a city, local, or exempted 37641
village school district, targeted assistance funds equal to the 37642
following: 37643

(a) For fiscal years 2022 and 2023, an amount calculated 37644
under section 3317.0217 of the Revised Code; 37645

(b) For fiscal year 2024 and each fiscal year thereafter, 37646
an amount calculated in a manner determined by the general 37647
assembly. 37648

(3) If the funding unit is a city, local, or exempted 37649
village school district or the community and STEM school unit, 37650
additional state aid for special education and related services 37651
provided under Chapter 3323. of the Revised Code calculated as 37652
follows: 37653

(a) For fiscal years 2022 and 2023, the sum of the 37654
following: 37655

(i) The funding unit's category one special education ADM 37656
X the multiple specified in division (A) of section 3317.013 of 37657

the Revised Code X the statewide average base cost per pupil for 37658
that fiscal year X if the funding unit is a city, local, or 37659
exempted village school district, the district's state share 37660
percentage; 37661

(ii) The funding unit's category two special education ADM 37662
X the multiple specified in division (B) of section 3317.013 of 37663
the Revised Code X the statewide average base cost per pupil for 37664
that fiscal year X if the funding unit is a city, local, or 37665
exempted village school district, the district's state share 37666
percentage; 37667

(iii) The funding unit's category three special education 37668
ADM X the multiple specified in division (C) of section 3317.013 37669
of the Revised Code X the statewide average base cost per pupil 37670
for that fiscal year X if the funding unit is a city, local, or 37671
exempted village school district, the district's state share 37672
percentage; 37673

(iv) The funding unit's category four special education 37674
ADM X the multiple specified in division (D) of section 3317.013 37675
of the Revised Code X the statewide average base cost per pupil 37676
for that fiscal year X if the funding unit is a city, local, or 37677
exempted village school district, the district's state share 37678
percentage; 37679

(v) The funding unit's category five special education ADM 37680
X the multiple specified in division (E) of section 3317.013 of 37681
the Revised Code X the statewide average base cost per pupil for 37682
that fiscal year X if the funding unit is a city, local, or 37683
exempted village school district, the district's state share 37684
percentage; 37685

(vi) The funding unit's category six special education ADM 37686

X the multiple specified in division (F) of section 3317.013 of 37687
the Revised Code X the statewide average base cost per pupil for 37688
that fiscal year X if the funding unit is a city, local, or 37689
exempted village school district, the district's state share 37690
percentage. 37691

(b) For fiscal year 2024 and each fiscal year thereafter, 37692
the sum of the following: 37693

(i) An amount calculated in a manner determined by the 37694
general assembly times the funding unit's category one special 37695
education ADM; 37696

(ii) An amount calculated in a manner determined by the 37697
general assembly times the funding unit's category two special 37698
education ADM; 37699

(iii) An amount calculated in a manner determined by the 37700
general assembly times the funding unit's category three special 37701
education ADM; 37702

(iv) An amount calculated in a manner determined by the 37703
general assembly times the funding unit's category four special 37704
education ADM; 37705

(v) An amount calculated in a manner determined by the 37706
general assembly times the funding unit's category five special 37707
education ADM; 37708

(vi) An amount calculated in a manner determined by the 37709
general assembly times the funding unit's category six special 37710
education ADM. 37711

(4) If the funding unit is a city, local, or exempted 37712
village school district or the community and STEM school unit, 37713
disadvantaged pupil impact aid calculated according to the 37714

internet- or computer-based community school, calculate an 37742
amount in the manner determined by the general assembly; 37743

(II) Compute the funding unit's disadvantaged pupil impact 37744
aid by calculating the sum of the amounts determined under 37745
division (A) (4) (b) (ii) (I) of this section. 37746

(5) If the funding unit is a city, local, or exempted 37747
village school district or the community and STEM school unit, 37748
English learner funds calculated as follows: 37749

(a) For fiscal years 2022 and 2023, the sum of the 37750
following: 37751

(i) The funding unit's category one English learner ADM X 37752
the multiple specified in division (A) of section 3317.016 of 37753
the Revised Code X the statewide average base cost per pupil for 37754
that fiscal year X if the funding unit is a city, local, or 37755
exempted village school district, the district's state share 37756
percentage; 37757

(ii) The funding unit's category two English learner ADM X 37758
the multiple specified in division (B) of section 3317.016 of 37759
the Revised Code X the statewide average base cost per pupil for 37760
that fiscal year X if the funding unit is a city, local, or 37761
exempted village school district, the district's state share 37762
percentage; 37763

(iii) The funding unit's category three English learner 37764
ADM X the multiple specified in division (C) of section 3317.016 37765
of the Revised Code X the statewide average base cost per pupil 37766
for that fiscal year X if the funding unit is a city, local, or 37767
exempted village school district, the district's state share 37768
percentage. 37769

(b) For fiscal year 2024 and each fiscal year thereafter, 37770

year 2022, or \$14, for fiscal year 2023	37798
(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.	37799 37800
(b) For fiscal year 2024 and each fiscal year thereafter, all of the following:	37801 37802
(i) Gifted identification funds calculated in a manner determined by the general assembly;	37803 37804
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	37805 37806 37807
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	37808 37809 37810
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	37811 37812
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	37813 37814 37815 37816
(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	37817 37818 37819 37820
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	37821 37822
(a) For fiscal years 2022 and 2023, an amount equal to the following:	37823 37824

[The number of students in the funding unit's enrolled ADM who 37825
are reported under division (B) (5) of section 3314.08 of the 37826
Revised Code X (the aggregate base cost calculated for all 37827
schools in the funding unit for that fiscal year under section 37828
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 37829
X.20] 37830

(b) For fiscal year 2024 and each fiscal year thereafter, 37831
an amount calculated in a manner determined by the general 37832
assembly. 37833

(10) If the funding unit is the educational choice 37834
scholarship unit, an amount calculated as follows: 37835

(a) For each student in the funding unit's enrolled ADM, 37836
determine the lesser of the following: 37837

(i) The base tuition of the chartered nonpublic school in 37838
which the student is enrolled minus the total amount of any 37839
applicable tuition discounts for which the student qualifies; 37840

(ii) \$5,500, if the student is in grades kindergarten 37841
through eight, or \$7,500, if the student is in grades nine 37842
through twelve. 37843

The amounts specified in division (A) (10) (a) (ii) of this 37844
section shall increase in future fiscal years by the same 37845
percentage that the statewide average base cost per pupil 37846
increases in future fiscal years. 37847

(b) Compute the sum of the amounts calculated under 37848
division (A) (10) (a) of this section. 37849

(11) If the funding unit is the pilot project scholarship 37850
unit, an amount calculated as follows: 37851

(a) For each student in the funding unit's enrolled ADM, 37852

determine the lesser of the following: 37853

(i) The net tuition charges of the student's alternative 37854
school; 37855

(ii) \$5,500, if the student is in grades kindergarten 37856
through eight, or \$7,500, if the student is in grades nine 37857
through twelve. 37858

The amounts specified in division (A) (11) (a) (ii) of this 37859
section shall increase in future fiscal years by the same 37860
percentage that the statewide average base cost per pupil 37861
increases in future fiscal years. 37862

For purposes of division (A) (11) (a) of this section, the 37863
net tuition and fees charged to a student shall be the tuition 37864
amount specified by the alternative school minus all other 37865
financial aid, discounts, and adjustments received for the 37866
student. In cases where discounts are offered for multiple 37867
students from the same family, and not all students in the same 37868
family are scholarship recipients, the net tuition amount 37869
attributable to the scholarship recipient shall be the lowest 37870
net tuition to which the family is entitled. 37871

The department shall provide for an increase in the amount 37872
determined for any student who is an LRE student with a 37873
disability and shall further increase such amount in the case of 37874
any separately educated student with a disability, as that term 37875
is defined in section 3313.974 of the Revised Code. Such 37876
increases shall take into account the instruction, related 37877
services, and transportation costs of educating such students. 37878

(b) Compute the sum of the amounts calculated under 37879
division (A) (17) (a) of this section. 37880

(12) If the funding unit is the autism scholarship unit, 37881

an amount calculated as follows:	37882
(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:	37883 37884
(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;	37885 37886 37887
(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.	37888 37889
(b) Compute the sum of the amounts calculated under division (A) (12) (a) of this section.	37890 37891
(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:	37892 37893
(a) For each student in the funding unit's enrolled ADM, determine the least of the following:	37894 37895
(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;	37896 37897 37898 37899
(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:	37900 37901
(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;	37902 37903 37904 37905
(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	37906 37907 37908

\$3,963, for fiscal year 2023; 37909

(III) If the student is receiving special education 37910
services for a disability specified in division (C) of section 37911
3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and 37912
\$9,522, for fiscal year 2023; 37913

(IV) If the student is receiving special education 37914
services for a disability specified in division (D) of section 37915
3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and 37916
\$12,707, for fiscal year 2023; 37917

(V) If the student is receiving special education services 37918
for a disability specified in division (E) of section 3317.013 37919
of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, 37920
for fiscal year 2023; 37921

(VI) If the student is receiving special education 37922
services for a disability specified in division (F) of section 37923
3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and 37924
\$25,370, for fiscal year 2023. 37925

(iii) \$27,000. 37926

The amount specified for fiscal year 2023 in division (A) 37927
(13) (a) (ii) of this section shall increase in future fiscal 37928
years by the same percentage that the statewide average base 37929
cost per pupil increases in future fiscal years. 37930

The amounts specified for fiscal year 2023 in divisions 37931
(A) (13) (a) (ii) (I) to (VI) of this section shall increase in 37932
future fiscal years by the same percentage that the amounts 37933
calculated by the general assembly for those categories of 37934
special education services under division (A) (3) of this section 37935
increase in future fiscal years. 37936

(b) Compute the sum of the amounts calculated under 37937
division (A) (13) (a) of this section. 37938

(B) In any fiscal year, a funding unit that is a city, 37939
local, or exempted village school district shall spend for 37940
purposes that the department designates as approved for special 37941
education and related services expenses at least the amount 37942
calculated as follows: 37943

(The base cost per pupil calculated for the district for that 37944
fiscal year X the total special education ADM) + (the district's 37945
category one special education ADM X the multiple specified in 37946
division (A) of section 3317.013 of the Revised Code X the 37947
statewide average base cost per pupil) + (the district's 37948
category two special education ADM X the multiple specified in 37949
division (B) of section 3317.013 of the Revised Code X the 37950
statewide average base cost per pupil) + (the district's 37951
category three special education ADM X the multiple specified in 37952
division (C) of section 3317.013 of the Revised Code X the 37953
statewide average base cost per pupil) + (the district's 37954
category four special education ADM X the multiple specified in 37955
division (D) of section 3317.013 of the Revised Code X the 37956
statewide average base cost per pupil) + (the district's 37957
category five special education ADM X the multiple specified in 37958
division (E) of section 3317.013 of the Revised Code X the 37959
statewide average base cost per pupil) + (the district's 37960
category six special education ADM X the multiple specified in 37961
division (F) of section 3317.013 of the Revised Code X the 37962
statewide average base cost per pupil) 37963

The purposes approved by the department for special 37964
education expenses shall include, but shall not be limited to, 37965
identification of children with disabilities, compliance with 37966

state rules governing the education of children with 37967
disabilities and prescribing the continuum of program options 37968
for children with disabilities, provision of speech language 37969
pathology services, and the portion of the school district's 37970
overall administrative and overhead costs that are attributable 37971
to the district's special education student population. 37972

(C) A funding unit that is a city, local, or exempted 37973
village school district shall spend the funds it receives under 37974
division (A) (4) of this section in accordance with section 37975
3317.25 of the Revised Code. 37976

(D) (1) Except as provided in division (B) of section 37977
3317.026 of the Revised Code, the department shall distribute to 37978
each community school established under Chapter 3314. of the 37979
Revised Code and to each STEM school established under Chapter 37980
3326. of the Revised Code, from the funds paid to the community 37981
and STEM school unit under this section, an amount for each 37982
student enrolled in the school equal to the sum of the 37983
following: 37984

(a) The school's base cost per pupil for that fiscal year, 37985
calculated as follows: 37986

(i) For fiscal years 2022 and 2023: 37987

The aggregate base cost calculated for the school for that 37988
fiscal year under section 3317.0110 of the Revised Code / the 37989
number of students enrolled in the school for that fiscal year 37990

(ii) For fiscal year 2024 and each fiscal year thereafter, 37991
an amount determined by the general assembly under division (A) 37992
(1) (b) (ii) of this section divided by the number of students 37993
enrolled in the school for that fiscal year. 37994

(b) If the student is a special education student: 37995

(i) For fiscal years 2022 and 2023, the multiple specified	37996
for the student's special education category under section	37997
3317.013 of the Revised Code times the statewide average base	37998
cost per pupil;	37999
(ii) For fiscal year 2024 and each fiscal year thereafter,	38000
the amount calculated for the student's special education	38001
category in a manner determined by the general assembly under	38002
division (A) (3) (b) of this section.	38003
(c) If the school is not an internet- or computer-based	38004
community school and the student is economically disadvantaged:	38005
(i) For fiscal years 2022 and 2023, the amount calculated	38006
for the student under division (A) (4) (b) (i) (I) of this section;	38007
(ii) For fiscal year 2024 and each fiscal year thereafter,	38008
an amount calculated for the student in the manner determined by	38009
the general assembly under division (A) (4) (b) (ii) (I) of this	38010
section.	38011
(d) If the school is not an internet- or computer-based	38012
community school and the student is an English learner:	38013
(i) For fiscal years 2022 and 2023, the multiple specified	38014
for the student's English learner category under section	38015
3317.016 of the Revised Code times the statewide average base	38016
cost per pupil;	38017
(ii) For fiscal year 2024 and each fiscal year thereafter,	38018
the amount calculated for the student's special education	38019
category in a manner determined by the general assembly under	38020
division (A) (5) (b) of this section.	38021
(e) If the student is a career-technical education	38022
student:	38023

(i) For fiscal years 2022 and 2023, the multiple specified 38024
for the student's career-technical education category under 38025
section 3317.014 of the Revised Code times the statewide average 38026
career-technical base cost per pupil; 38027

(ii) For fiscal year 2024 and each fiscal year thereafter, 38028
the amount calculated for the student's career-technical 38029
education category in a manner determined by the general 38030
assembly under section 3317.014 of the Revised Code. 38031

(f) If the student is a career-technical education 38032
student: 38033

(i) For fiscal years 2022 and 2023, the multiple for 38034
career-technical associated services specified under section 38035
3317.014 of the Revised Code times the statewide average career- 38036
technical base cost per pupil; 38037

(ii) For fiscal year 2024 and each fiscal year thereafter, 38038
the amount calculated for career-technical associated services 38039
in a manner determined by the general assembly under section 38040
3317.014 of the Revised Code. 38041

(2) The department shall distribute to each community 38042
school established under Chapter 3314. of the Revised Code and 38043
to each STEM school established under Chapter 3326. of the 38044
Revised Code, from the funds paid to the community and STEM 38045
school unit under this section, an amount equal to the amount 38046
calculated for the school under division (A) (9) of this section. 38047

(E) The department shall distribute to the parent of each 38048
student for whom an educational choice scholarship is awarded 38049
under section 3310.03 or 3310.032 of the Revised Code, or to the 38050
student if at least eighteen years of age, from the funds paid 38051
to the educational choice scholarship unit under this section, a 38052

scholarship equal to the amount calculated for the student under 38053
division (A) (10) (a) of this section. The scholarship shall be 38054
distributed in monthly partial payments, and the department 38055
shall proportionately reduce or terminate the payments for any 38056
student who withdraws from a chartered nonpublic school prior to 38057
the end of the school year. 38058

For purposes of divisions (E) and (F) of this section, in 38059
the case of a student who is not living with the student's 38060
parent, the department shall distribute the scholarship payments 38061
to the student's guardian, legal custodian, kinship caregiver, 38062
foster caregiver, or caretaker. For the purposes of this 38063
division, "caretaker" has the same meaning as in section 38064
3310.033 of the Revised Code, "kinship caregiver" has the same 38065
meaning as in section 5101.85 of the Revised Code, and "foster 38066
caregiver" has the same meaning as in section 5103.02 of the 38067
Revised Code. 38068

(F) If a student is awarded a pilot project scholarship 38069
under sections 3313.974 to 3313.979 of the Revised Code, the 38070
department shall distribute to the parent of the student, if the 38071
student is attending a registered private school as defined in 38072
section 3313.974 of the Revised Code, or the student's school 38073
district of attendance, if the scholarship is to be used for 38074
payments to a public school in a school district adjacent to the 38075
pilot project school district pursuant to section 3327.06 of the 38076
Revised Code, a scholarship from the funds paid to the pilot 38077
project scholarship unit under this section that is equal to the 38078
amount calculated for the student under division (A) (11) (a) of 38079
this section. 38080

In the case of a scholarship distributed to a student's 38081
parent, the scholarship shall be distributed in monthly partial 38082

payments. The scholarship amount shall be proportionately 38083
reduced in the case of any such student who is not enrolled in a 38084
registered private school, as that term is defined in section 38085
3313.974 of the Revised Code, for the entire school year. 38086

In the case of a scholarship distributed to a student's 38087
school district of attendance, the department shall, on behalf 38088
of the student's parents, use the scholarship to make the 38089
tuition payments required by section 3327.06 of the Revised Code 38090
to the student's school district of attendance, except that, 38091
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 38092
Revised Code, the total payments in any school year shall not 38093
exceed the scholarship amount calculated for the student under 38094
division (A) (11) (a) of this section. 38095

(G) The department shall distribute to the parent of each 38096
student for whom an autism scholarship is awarded under section 38097
3310.41 of the Revised Code, from the funds paid to the autism 38098
scholarship unit under this section, a scholarship equal to the 38099
amount calculated for the student under division (A) (12) (a) of 38100
this section. The scholarship shall be distributed from time to 38101
time in partial payments. The scholarship amount shall be 38102
proportionately reduced in the case of any student who is not 38103
enrolled in the special education program for which a 38104
scholarship was awarded under section 3310.41 of the Revised 38105
Code for the entire school year. The department shall make no 38106
payments to the parent of a student while any administrative or 38107
judicial mediation or proceedings with respect to the content of 38108
the student's individualized education program are pending. 38109

(H) The department shall distribute to the parent of each 38110
student for whom a Jon Peterson special needs scholarship is 38111
awarded under sections 3310.51 to 3310.64 of the Revised Code, 38112

from the funds paid to the Jon Peterson special needs 38113
scholarship unit under this section, a scholarship equal to the 38114
amount calculated for the student under division (A) (13) (a) of 38115
this section. The scholarship shall be distributed in periodic 38116
payments, and the department shall proportionately reduce or 38117
terminate the payments for any student who is not enrolled in 38118
the special education program of an alternative public provider 38119
or a registered private provider, as those terms are defined in 38120
section 3310.51 of the Revised Code, for the entire school year. 38121

(I) For fiscal years 2022 and 2023, a school district 38122
shall spend the funds it receives under division (A) (5) of this 38123
section only for services for English learners. 38124

(J) For fiscal years 2022 and 2023, a school district 38125
shall spend the funds it receives under division (A) (6) of this 38126
section only for the identification of gifted students, gifted 38127
coordinator services, gifted intervention specialist services, 38128
other service providers approved by the department of education, 38129
and gifted professional development. For fiscal years 2022 and 38130
2023, if the department determines that a district is not in 38131
compliance with this division, it shall reduce the district's 38132
payments for that fiscal year under this chapter by an amount 38133
equal to the amount paid to the district for that fiscal year 38134
under division (A) (6) of this section that was not spent in 38135
accordance with this division. 38136

Sec. 3317.023. (A) The amounts required to be paid to a 38137
district under this chapter shall be adjusted by the amount of 38138
the computations made under divisions (B) to (K) of this 38139
section. 38140

As used in this section: 38141

(1) "Career-technical planning district" or "CTPD" means a school district or group of school districts designated by the department of education and workforce as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department.

(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM schools assigned to the CTPD.

(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.	38172
(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.	38173 38174 38175 38176
(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.	38177 38178 38179 38180 38181
(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.	38182 38183 38184 38185 38186
(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.	38187 38188 38189 38190 38191 38192 38193
(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.	38194 38195 38196 38197
(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)	38198 38199 38200

(8) of section 3311.521 of the Revised Code, deduct such amounts 38201
as provided under that provision and credit those amounts to the 38202
cooperative education district for payment to the district under 38203
division (B) (1) of section 3317.19 of the Revised Code. 38204

(H) (1) If a district is educating a student entitled to 38205
attend school in another district pursuant to a shared education 38206
contract, compact, or cooperative education agreement other than 38207
an agreement entered into pursuant to section 3313.842 of the 38208
Revised Code, credit to that educating district on an FTE basis 38209
both of the following: 38210

(a) An amount equal to the statewide average base cost per 38211
pupil. 38212

(b) Any amount applicable to the student pursuant to 38213
section 3317.013 or 3317.014 of the Revised Code. 38214

(2) Deduct any amount credited pursuant to division (H) (1) 38215
of this section from amounts paid to the school district in 38216
which the student is entitled to attend school pursuant to 38217
section 3313.64 or 3313.65 of the Revised Code. 38218

(3) If the district is required by a shared education 38219
contract, compact, or cooperative education agreement to make 38220
payments to an educational service center, deduct the amounts 38221
from payments to the district and add them to the amounts paid 38222
to the service center. 38223

(I) (1) If a district, including a joint vocational school 38224
district, is a lead district of a CTPD, credit to that district 38225
the amount calculated for each school district within that CTPD 38226
under divisions (D) and (E) of section 3317.014 of the Revised 38227
Code and for each community school and STEM school assigned to 38228
the CTPD under divisions (D) and (E) of section 3317.014 of the 38229

Revised Code.	38230
(2) Deduct from each appropriate district that is not a lead district, or from the appropriate community school or STEM school, the amount attributable to that district or school that is credited to a lead district under division (I) (1) of this section.	38231 38232 38233 38234 38235
(J) If the department pays a joint vocational school district under division (C) (3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (C) (1) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.	38236 38237 38238 38239 38240 38241 38242 38243
(K) (1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district.	38244 38245 38246 38247
(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.	38248 38249 38250 38251
Sec. 3317.024. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board <u>department of education and workforce</u> :	38252 38253 38254
(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such	38255 38256 38257 38258

amounts shall be determined on the basis of standards adopted by 38259
~~the state board of education, department.~~ However, for fiscal 38260
years 2012 and 2013, an island district shall receive the lesser 38261
of its actual cost of operation, as certified to the department 38262
~~of education,~~ or ninety-three per cent of the amount the 38263
district received in state operating funding for fiscal year 38264
2011. If an island district received no funding for fiscal year 38265
2011, it shall receive no funding for either of fiscal year 2012 38266
or 2013. 38267

(B) An amount for each school district required to pay 38268
tuition for a child in an institution maintained by the 38269
department of youth services pursuant to section 3317.082 of the 38270
Revised Code, provided the child was not included in the 38271
calculation of the district's formula ADM, as that term is 38272
defined in section 3317.02 of the Revised Code, for the 38273
preceding school year. 38274

(C) (1) An amount for the approved cost of transporting 38275
eligible pupils with disabilities attending a special education 38276
program approved by the department of education and workforce 38277
whom it is impossible or impractical to transport by regular 38278
school bus in the course of regular route transportation 38279
provided by the school district or educational service center. 38280
For fiscal years 2022 and 2023, this amount shall be equal to 38281
the actual costs incurred in the prior fiscal year by the 38282
district or service center when transporting those students, as 38283
reported to the department, multiplied by one of the following: 38284

(a) For a district, the percentage determined for the 38285
district for that fiscal year under divisions (E) (1) (c) (i) and 38286
(ii) of section 3317.0212 of the Revised Code; 38287

(b) For a service center, twenty-nine and one-sixth per 38288

cent for fiscal year 2022 and thirty-three and one-third per 38289
cent for fiscal year 2023. 38290

(2) No district or service center is eligible to receive a 38291
payment under division (C) of this section for the cost of 38292
transporting any pupil whom it transports by regular school bus 38293
and who is included in the district's transportation ADM. 38294

(3) For fiscal years 2022 and 2023, both of the following 38295
apply: 38296

(a) The ~~state board~~ department of education and workforce 38297
shall also establish the deadline for each district and service 38298
center to report its actual costs for transporting students 38299
described in division (C) (1) of this section. 38300

(b) The costs reported by each district and service center 38301
under division (C) of this section shall be subject to periodic, 38302
random audits by the department of education and workforce. 38303

(D) An amount to each school district, including each 38304
cooperative education school district, pursuant to section 38305
3313.81 of the Revised Code to assist in providing free lunches 38306
to needy children. The amounts shall be determined on the basis 38307
of rules adopted by the ~~state board~~ department of education and 38308
workforce. 38309

(E) (1) An amount for auxiliary services to each school 38310
district, for each pupil attending a chartered nonpublic 38311
elementary or high school within the district that has not 38312
elected to receive funds under division (E) (2) of this section. 38313

(2) (a) An amount for auxiliary services paid directly to 38314
each chartered nonpublic school that has elected to receive 38315
funds under division (E) (2) of this section for each pupil 38316
attending the school. To elect to receive funds under division 38317

(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.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E) (1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E) (2) (b) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E) (2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education and workforce shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E) (2) (b) of this section may use to comply with division (E) (2) (b) (iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E) (2) (b) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A

school may pay any fee assessed pursuant to division (E) (2) (b) 38378
(vi) of this section using auxiliary services funds. 38379

(c) The amount paid under divisions (E) (1) and (2) of this 38380
section shall equal the total amount appropriated for the 38381
implementation of sections 3317.06 and 3317.062 of the Revised 38382
Code divided by the average daily membership in grades 38383
kindergarten through twelve in chartered nonpublic elementary 38384
and high schools within the state as determined as of the last 38385
day of October of each school year. 38386

(F) An amount for each county board of developmental 38387
disabilities for the approved cost of transportation required 38388
for children attending special education programs operated by 38389
the county board under section 3323.09 of the Revised Code. For 38390
fiscal years 2022 and 2023, this amount shall be equal to the 38391
actual costs incurred in the prior fiscal year by the county 38392
board when transporting those students multiplied by twenty-nine 38393
and one-sixth per cent for fiscal year 2022 and thirty-three and 38394
one-third per cent for fiscal year 2023. 38395

(G) An amount to each institution defined under section 38396
3317.082 of the Revised Code providing elementary or secondary 38397
education to children other than children receiving special 38398
education under section 3323.091 of the Revised Code. This 38399
amount for any institution in any fiscal year shall equal the 38400
total of all tuition amounts required to be paid to the 38401
institution under division (A) (1) of section 3317.082 of the 38402
Revised Code. 38403

The ~~state board~~ department of education and workforce or 38404
any ~~other~~ board of education or governing board may provide for 38405
any resident of a district or educational service center 38406
territory any educational service for which funds are made 38407

available to the board by the United States under the authority 38408
of public law, whether such funds come directly or indirectly 38409
from the United States or any agency or department thereof or 38410
through the state or any agency, department, or political 38411
subdivision thereof. 38412

Sec. 3317.025. On or before the first day of June of each 38413
year, the tax commissioner shall certify the following 38414
information to the department of education and workforce and the 38415
office of budget and management, for each school district in 38416
which the value of the property described under division (A) of 38417
this section exceeds one per cent of the taxable value of all 38418
real and tangible personal property in the district or in which 38419
is located tangible personal property designed for use or used 38420
in strip mining operations, whose taxable value exceeds five 38421
million dollars, and the taxes upon which the district is 38422
precluded from collecting by virtue of legal proceedings to 38423
determine the value of such property: 38424

(A) The total taxable value of all property in the 38425
district owned by a public utility or railroad that has filed a 38426
petition for reorganization under the "Bankruptcy Act," 47 Stat. 38427
1474 (1898), 11 U.S.C. 205, as amended, and all tangible 38428
personal property in the district designed for use or used in 38429
strip mining operations whose taxable value exceeds five million 38430
dollars upon which have not been paid in full on or before the 38431
first day of April of that calendar year all real and tangible 38432
personal property taxes levied for the preceding calendar year 38433
and which the district was precluded from collecting by virtue 38434
of proceedings under section 205 of said act or by virtue of 38435
legal proceedings to determine the tax liability of such strip 38436
mining equipment; 38437

(B) The percentage of the total operating taxes charged 38438
and payable for school district purposes levied against such 38439
valuation for the preceding calendar year that have not been 38440
paid by such date; 38441

(C) The product obtained by multiplying the value 38442
certified under division (A) of this section by the percentage 38443
certified under division (B) of this section. If the value 38444
certified under division (A) of this section includes taxable 38445
property owned by a public utility or railroad that has filed a 38446
petition for reorganization under the bankruptcy act, the amount 38447
used in making the calculation under this division shall be 38448
reduced by one per cent of the total value of all real and 38449
tangible personal property in the district or the value of the 38450
utility's or railroad's property, whichever is less. 38451

Upon receipt of the certification, the department shall 38452
recompute the payments required under this chapter in the manner 38453
the payments would have been computed if: 38454

(1) The amount certified under division (C) of this 38455
section was not subject to taxation by the district and was not 38456
included in the certification made under division (A) (1), (A) 38457
(2), or (C) of section 3317.021 of the Revised Code. 38458

(2) The amount of taxes charged and payable and unpaid and 38459
used to make the computation under division (B) of this section 38460
had not been levied and had not been used in the computation 38461
required by division (B) of section 3317.021 of the Revised 38462
Code. The department shall pay the district that amount in the 38463
ensuing fiscal year in lieu of the amounts computed under this 38464
chapter. 38465

If a school district received a grant from the 38466

catastrophic expenditures account pursuant to division (C) of 38467
section 3316.20 of the Revised Code on the basis of the same 38468
circumstances for which a recomputation is made under this 38469
section, the amount of the recomputation shall be reduced and 38470
transferred in accordance with division (C) of section 3316.20 38471
of the Revised Code. 38472

Sec. 3317.026. This section shall apply only for fiscal 38473
years 2022 and 2023. 38474

(A) For each fiscal year, the department of education and 38475
workforce shall calculate an amount for the community and STEM 38476
school unit as follows: 38477

(1) For each community school and STEM school, determine 38478
the sum of the following: 38479

(a) The aggregate base cost calculated for the school for 38480
that fiscal year under section 3317.0110 of the Revised Code; 38481

(b) The sum of the following: 38482

(i) The school's category one special education ADM X the 38483
multiple specified in division (A) of section 3317.013 of the 38484
Revised Code X the statewide average base cost per pupil for 38485
that fiscal year; 38486

(ii) The school's category two special education ADM X the 38487
multiple specified in division (B) of section 3317.013 of the 38488
Revised Code X the statewide average base cost per pupil for 38489
that fiscal year; 38490

(iii) The school's category three special education ADM X 38491
the multiple specified in division (C) of section 3317.013 of 38492
the Revised Code X the statewide average base cost per pupil for 38493
that fiscal year; 38494

(iv) The school's category four special education ADM X	38495
the multiple specified in division (D) of section 3317.013 of	38496
the Revised Code X the statewide average base cost per pupil for	38497
that fiscal year;	38498
(v) The school's category five special education ADM X the	38499
multiple specified in division (E) of section 3317.013 of the	38500
Revised Code X the statewide average base cost per pupil for	38501
that fiscal year;	38502
(vi) The school's category six special education ADM X the	38503
multiple specified in division (F) of section 3317.013 of the	38504
Revised Code X the statewide average base cost per pupil for	38505
that fiscal year.	38506
(c) If the school is not an internet- or computer-based	38507
community school, an amount of disadvantaged pupil impact aid	38508
equal to the following:	38509
\$422 X the school's economically disadvantaged index X the	38510
number of students in the school's enrolled ADM who are	38511
economically disadvantaged	38512
(d) If the school is not an internet- or computer-based	38513
community school, the sum of the following:	38514
(i) The school's category one English learner ADM X the	38515
multiple specified in division (A) of section 3317.016 of the	38516
Revised Code X the statewide average base cost per pupil for	38517
that fiscal year;	38518
(ii) The school's category two English learner ADM X the	38519
multiple specified in division (B) of section 3317.016 of the	38520
Revised Code X the statewide average base cost per pupil for	38521
that fiscal year;	38522

(iii) The school's category three English learner ADM X	38523
the multiple specified in division (C) of section 3317.016 of	38524
the Revised Code X the statewide average base cost per pupil for	38525
that fiscal year.	38526
(e) The sum of the following:	38527
(i) The school's category one career-technical education	38528
ADM X the multiple specified under division (A) (1) of section	38529
3317.014 of the Revised Code X the statewide average career-	38530
technical base cost per pupil for that fiscal year;	38531
(ii) The school's category two career-technical education	38532
ADM X the multiple specified under division (A) (2) of section	38533
3317.014 of the Revised Code X the statewide average career-	38534
technical base cost per pupil for that fiscal year;	38535
(iii) The school's category three career-technical	38536
education ADM X the multiple specified under division (A) (3) of	38537
section 3317.014 of the Revised Code X the statewide average	38538
career-technical base cost per pupil for that fiscal year;	38539
(iv) The school's category four career-technical education	38540
ADM X the multiple specified under division (A) (4) of section	38541
3317.014 of the Revised Code X the statewide average career-	38542
technical base cost per pupil for that fiscal year;	38543
(v) The school's category five career-technical education	38544
ADM X the multiple specified under division (A) (5) of section	38545
3317.014 of the Revised Code X the statewide average career-	38546
technical base cost per pupil for that fiscal year.	38547
(f) An amount equal to the following:	38548
The multiple for career-technical associated services specified	38549
under division (B) of section 3317.014 of the Revised Code X the	38550

statewide average career-technical base cost per pupil for that 38551
fiscal year X the sum of the school's categories one through 38552
five career-technical education ADM 38553

(g) If the school is a community school, an amount equal 38554
to the following: 38555

The number of students reported by the community school under 38556
division (B) (5) of section 3314.08 of the Revised Code X (the 38557
aggregate base cost calculated for the school for that fiscal 38558
year under section 3317.0110 of the Revised Code / the school's 38559
enrolled ADM) X 0.20 38560

(2) For each community and STEM school, determine the 38561
lesser of the following: 38562

(a) The following sum: 38563

The school's funding base + {[the sum calculated for the school 38564
under division (A) of this section) - the school's funding base] 38565
X the school's general phase-in percentage for that fiscal year} 38566

(b) The sum of the amounts calculated for the school for 38567
that fiscal year under division (A) of this section. 38568

(3) Compute the sum of the amounts determined under 38569
division (B) of this section to determine the amount calculated 38570
for the community and STEM school unit. 38571

(B) Notwithstanding division (D) of section 3317.022 of 38572
the Revised Code, for each fiscal year, the department shall 38573
distribute to each community school and each STEM school, from 38574
the funds paid to the community and STEM school unit under 38575
section 3317.022 of the Revised Code, an amount equal to the 38576
amount determined for that school under division (A) (2) of this 38577
section. 38578

Sec. 3317.028. (A) On or before May 15, 2007, and the 38579
fifteenth day of May in each calendar year thereafter, the tax 38580
commissioner shall determine for each school district whether 38581
the taxable value of all utility tangible personal property 38582
subject to taxation by the district in the preceding tax year 38583
was less than the taxable value of such property during the 38584
second preceding tax year. If any decrease exceeds ten per cent 38585
of the district's tangible personal property taxable value 38586
included in the total taxable value used in the district's state 38587
aid computation for the fiscal year that ends in the current 38588
calendar year, the tax commissioner shall certify all of the 38589
following to the department of education and workforce and the 38590
office of budget and management: 38591

(1) The district's total taxable value for the preceding 38592
tax year; 38593

(2) The change in taxes charged and payable on the 38594
district's total taxable value for the preceding tax year and 38595
the second preceding tax year; 38596

(3) The taxable value of the utility tangible personal 38597
property decrease, which shall be considered a change in 38598
valuation; 38599

(4) The change in taxes charged and payable on such change 38600
in taxable value calculated in the same manner as in division 38601
(A) (3) of section 3317.021 of the Revised Code. 38602

(B) Upon receipt of a certification specified in this 38603
section, the department ~~of education~~ shall replace the three- 38604
year average valuations that were used in computing the 38605
district's state education aid for the fiscal year that ends in 38606
the current calendar year with the taxable value certified under 38607

division (A) (1) of this section and shall recompute the state 38608
education aid for such fiscal year without applying any funding 38609
limitations enacted by the general assembly to the computation, 38610
if applicable. The department shall pay to the district an 38611
amount equal to the lesser of the following: 38612

(1) The positive difference between the district's state 38613
education aid prior to the recomputation under this section and 38614
the district's recomputed state education aid; 38615

(2) The absolute value of the amount certified under 38616
division (A) (2) of this section. 38617

The payment date shall be determined by the director of 38618
budget and management. The director shall select a payment date 38619
that is not earlier than the first day of June of the current 38620
fiscal year and not later than the thirty-first day of July of 38621
the following fiscal year. The department ~~of education~~ shall not 38622
pay the district under this section prior to approval by the 38623
director of budget and management to make that payment. 38624

(C) If a school district received a grant from the 38625
catastrophic expenditures account pursuant to division (C) of 38626
section 3316.20 of the Revised Code on the basis of the same 38627
circumstances for which a recomputation is made under this 38628
section, the amount of the recomputation shall be reduced and 38629
transferred in accordance with division (C) of section 3316.20 38630
of the Revised Code. 38631

Sec. 3317.0211. (A) As used in this section: 38632

(1) "Port authority" means any port authority as defined 38633
in section 4582.01 or 4582.21 of the Revised Code. 38634

(2) "Real property" includes public utility real property 38635
and "personal property" includes public utility personal 38636

property. 38637

(3) "Uncollected taxes" means property taxes charged and 38638
payable against the property of a port authority for a tax year 38639
that a school district has not collected. 38640

(4) "Basic state aid" means a school district's state 38641
education aid. 38642

(5) "Effective value" means the sum of the effective 38643
residential/agricultural real property value, the effective 38644
nonresidential/agricultural real property value, and the 38645
effective personal value. 38646

(6) "Effective residential/agricultural real property 38647
value" means, for a tax year, the amount obtained by multiplying 38648
the value for that year of residential/agricultural real 38649
property subject to taxation in the district by a fraction, the 38650
numerator of which is the total taxes charged and payable for 38651
that year against the residential/agricultural real property 38652
subject to taxation in the district, exclusive of the 38653
uncollected taxes for that year on all real property subject to 38654
taxation in the district, and the denominator of which is the 38655
total taxes charged and payable for that year against the 38656
residential/agricultural real property subject to taxation in 38657
the district. 38658

(7) "Effective nonresidential/agricultural real property 38659
value" means, for a tax year, the amount obtained by multiplying 38660
the value for that year of nonresidential/agricultural real 38661
property subject to taxation in the district by a fraction, the 38662
numerator of which is the total taxes charged and payable for 38663
that year against the nonresidential/agricultural real property 38664
subject to taxation in the district, exclusive of the 38665

uncollected taxes for that year on all real property subject to 38666
taxation in the district, and the denominator of which is the 38667
total taxes charged and payable for that year against the 38668
nonresidential/agricultural real property subject to taxation in 38669
the district. 38670

(8) "Effective personal value" means, for a tax year, the 38671
amount obtained by multiplying the value for that year certified 38672
under division (A) (2) of section 3317.021 of the Revised Code by 38673
a fraction, the numerator of which is the total taxes charged 38674
and payable for that year against personal property subject to 38675
taxation in the district, exclusive of the uncollected taxes for 38676
that year on that property, and the denominator of which is the 38677
total taxes charged and payable for that year against personal 38678
property subject to taxation in the district. 38679

(9) "Nonresidential/agricultural real property value" 38680
means, for a tax year, the sum of the values certified for a 38681
school district for that year under division (B) (2) (a) of this 38682
section, and "residential/agricultural real property value" 38683
means, for a tax year, the sum of the values certified for a 38684
school district under division (B) (2) (b) of this section. 38685

(10) "Taxes charged and payable against real property" 38686
means the taxes charged and payable against that property after 38687
making the reduction required by section 319.301 of the Revised 38688
Code. 38689

(11) "Total taxes charged and payable" has the same 38690
meaning given "taxes charged and payable" in section 3317.02 of 38691
the Revised Code. 38692

(B) (1) By the first day of August of any calendar year, a 38693
school district shall notify the department of education and 38694

workforce if it has any uncollected taxes from one port 38695
authority for the second preceding tax year whose taxes charged 38696
and payable represent at least one-half of one per cent of the 38697
district's total taxes charged and payable for that tax year. 38698

(2) The department shall verify whether the district has 38699
such uncollected taxes by the first day of September, and if the 38700
district does, shall immediately request the county auditor of 38701
each county in which the school district has territory to 38702
certify the following information concerning the district's 38703
property values and taxes for the second preceding tax year, and 38704
each such auditor shall certify that information to the 38705
department within thirty days of receiving the request: 38706

(a) The value of the property subject to taxation in the 38707
district that was classified as nonresidential/agricultural real 38708
property pursuant to section 5713.041 of the Revised Code, and 38709
the taxes charged and payable on that property; and 38710

(b) The value of the property subject to taxation in the 38711
district that was classified as residential/agricultural real 38712
property under section 5713.041 of the Revised Code. 38713

(C) By the fifteenth day of November, the department shall 38714
compute the district's effective nonresidential/agricultural 38715
real property value, effective residential/agricultural real 38716
property value, effective personal value, and effective value, 38717
and shall determine whether the school district's effective 38718
value for the second preceding tax year is at least one per cent 38719
less than its total value for that year certified under 38720
divisions (A) (1) and (2) of section 3317.021 of the Revised 38721
Code. If it is, the department shall recompute the basic state 38722
aid payable to the district for the immediately preceding fiscal 38723
year using the effective value in lieu of the amounts previously 38724

certified under section 3317.021 of the Revised Code. The 38725
difference between the original basic state aid amount computed 38726
for the district for the preceding fiscal year and the 38727
recomputed amount shall be paid to the district from the lottery 38728
profits education fund before the end of the current fiscal 38729
year. 38730

(D) Except as provided in division (E) of this section, 38731
amounts received by a school district under division (C) of this 38732
section shall be repaid to the department ~~of education~~ in any 38733
future year to the extent the district receives payments of 38734
uncollectable taxes in such future year. The department shall 38735
notify a district of any amount owed under this division. 38736

(E) If a school district received a grant from the 38737
catastrophic expenditures account pursuant to division (C) of 38738
section 3316.20 of the Revised Code on the basis of the same 38739
circumstances for which a recomputation is made under this 38740
section, the amount of the recomputation shall be reduced and 38741
transferred in accordance with division (C) of section 3316.20 38742
of the Revised Code. 38743

Sec. 3317.0212. (A) As used in this section: 38744

(1) For fiscal years 2022 and 2023, "assigned bus" means a 38745
school bus used to transport qualifying riders. 38746

(2) For fiscal years 2022 and 2023, "density" means the 38747
total riders per square mile of a school district. 38748

(3) For fiscal years 2022 and 2023, "nontraditional 38749
ridership" means the average number of qualifying riders who are 38750
enrolled in a community school established under Chapter 3314. 38751
of the Revised Code, in a STEM school established under Chapter 38752
3326. of the Revised Code, or in a nonpublic school and are 38753

provided school bus service by a school district during the 38754
first full week of October. 38755

(4) "Qualifying riders" means the following: 38756

(a) For fiscal years 2022 and 2023, resident students 38757
enrolled in preschool and regular education in grades 38758
kindergarten to twelve who are provided school bus service by a 38759
school district, including students with dual enrollment in a 38760
joint vocational school district or a cooperative education 38761
school district, and students enrolled in a community school, 38762
STEM school, or nonpublic school; 38763

(b) For fiscal year 2024 and each fiscal year thereafter, 38764
students specified by the general assembly. 38765

(5) "Qualifying ridership" means the following: 38766

(a) For fiscal years 2022 and 2023, the greater of the 38767
average number of qualifying riders counted in the morning or 38768
counted in the afternoon who are provided school bus service by 38769
a school district during the first full week of October; 38770

(b) For fiscal year 2024 and each fiscal year thereafter, 38771
a ridership determined in a manner specified by the general 38772
assembly. 38773

(6) "Rider density" means the following: 38774

(a) For fiscal years 2022 and 2023, the following 38775
quotient: 38776

A school district's total number of qualifying riders/ the 38777
number of square miles in the district 38778

(b) For fiscal year 2024 and each fiscal year thereafter, 38779
a number calculated in a manner determined by the general 38780

assembly. 38781

(7) For fiscal years 2022 and 2023, "riders" means 38782
students enrolled in regular and special education in grades 38783
kindergarten through twelve who are provided school bus service 38784
by a school district, including students with dual enrollment in 38785
a joint vocational school district or a cooperative education 38786
school district, and students enrolled in a community school, 38787
STEM school, or nonpublic school. 38788

(8) "School bus service" means a school district's 38789
transportation of qualifying riders in any of the following 38790
types of vehicles: 38791

(a) School buses owned or leased by the district; 38792

(b) School buses operated by a private contractor hired by 38793
the district; 38794

(c) School buses operated by another school district or 38795
entity with which the district has contracted, either as part of 38796
a consortium for the provision of transportation or otherwise. 38797

(B) Not later than the first day of November, for fiscal 38798
years 2022 and 2023, or a date determined by the general 38799
assembly, for fiscal year 2024 and each fiscal year thereafter, 38800
of each year, each city, local, and exempted village school 38801
district shall report to the department of education and 38802
workforce its qualifying ridership and any other information 38803
requested by the department. Subsequent adjustments to the 38804
reported numbers shall be made only in accordance with rules 38805
adopted by the department. 38806

(C) The department shall calculate the statewide 38807
transportation cost per student as follows: 38808

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years 2022 and 2023:	38838
(a) Calculate the sum of the following:	38839
(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;	38840 38841 38842 38843
(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;	38844 38845 38846 38847 38848 38849
(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.	38850 38851 38852 38853
(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.	38854 38855 38856
(c) Multiply the greater of the amounts calculated under divisions (E) (1) (a) and (b) of this section by the following:	38857 38858
(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;	38859 38860 38861
(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage.	38862 38863
(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.	38864 38865

(F) For fiscal years 2022 and 2023, the department shall 38866
pay a district's efficiency adjustment payment in accordance 38867
with divisions (F) (1) to (3) of this section. For fiscal year 38868
2024 and each fiscal year thereafter, the department shall pay a 38869
district's efficiency adjustment payment in a manner determined 38870
by the general assembly, if the general assembly authorizes such 38871
a payment to districts. 38872

(1) The department annually shall establish a target 38873
number of qualifying riders per assigned bus for each city, 38874
local, and exempted village school district. The department 38875
shall use the most recently available data in establishing the 38876
target number. The target number shall be based on the statewide 38877
median number of riders per assigned bus as adjusted to reflect 38878
the district's density in comparison to the density of all other 38879
districts. The department shall post on the department's web 38880
site each district's target number of riders per assigned bus 38881
and a description of how the target number was determined. 38882

(2) The department shall determine each school district's 38883
efficiency index by dividing the district's number of riders per 38884
assigned bus by its target number of riders per assigned bus. 38885

(3) The department shall determine each city, local, and 38886
exempted village school district's efficiency adjustment payment 38887
as follows: 38888

(a) If the district's efficiency index is equal to or 38889
greater than 1.5, the efficiency adjustment payment shall be 38890
calculated according to the following formula: 38891

0.15 X the district's transportation base payment calculated 38892
under division (E) of this section 38893

(b) If the district's efficiency index is less than 1.5 38894

but greater than or equal to 1.0, the efficiency adjustment 38895
payment shall be calculated according to the following formula: 38896
$$\{[(\text{The district's efficiency index} - 1) \times 0.15] / 0.5\} \times \text{the}$$
 38897
district's transportation base payment calculated under division 38898
(E) of this section 38899

(c) If the district's efficiency index is less than 1.0, 38900
the efficiency adjustment payment shall be zero. 38901

(G) In addition to funds paid under divisions (E), (F), 38902
and (H) of this section, each city, local, and exempted village 38903
district shall receive in accordance with rules adopted by the 38904
~~state board of education department~~ a payment for students 38905
transported by means other than school bus service and whose 38906
transportation is not funded under division (C) of section 38907
3317.024 of the Revised Code. The rules shall include provisions 38908
for school district reporting of such students. 38909

(H) (1) For purposes of division (H) of this section, a 38910
school district's "transportation supplement percentage" means 38911
the following: 38912

(a) For fiscal years 2022 and 2023, the following 38913
quotient: 38914

$$(28 - \text{the district's rider density}) / 100$$
 38915

If the result of the calculation for a district under 38916
division (H) (1) (a) of this section is less than zero, the 38917
district's transportation supplement percentage shall be zero. 38918

(b) For fiscal year 2024 and each fiscal year thereafter, 38919
a percentage calculated in a manner determined by the general 38920
assembly. 38921

(2) The department shall pay each district a 38922

transportation supplement calculated according to the following 38923
formula: 38924

The district's transportation supplement percentage X the amount 38925
calculated for the district under division (E) (1) (b) of this 38926
section X 0.55 38927

(I) (1) If a school district board and a community school 38928
governing authority elect to enter into an agreement under 38929
division (A) of section 3314.091 of the Revised Code, the 38930
department shall make payments to the community school according 38931
to the terms of the agreement for each student actually 38932
transported under division (C) (1) of that section. If a 38933
community school governing authority accepts transportation 38934
responsibility under division (B) of that section, the 38935
department shall make payments to the community school for each 38936
student actually transported or for whom transportation is 38937
arranged by the community school under division (C) (1) of that 38938
section, calculated as follows: 38939

(a) For any fiscal year which the general assembly has 38940
specified that transportation payments to school districts be 38941
based on an across-the-board percentage of the district's 38942
payment for the previous school year, the per pupil payment to 38943
the community school shall be the following quotient: 38944

(i) The total amount calculated for the school district in 38945
which the child is entitled to attend school for student 38946
transportation other than transportation of children with 38947
disabilities; divided by 38948

(ii) The number of students included in the district's 38949
transportation ADM for the current fiscal year, as calculated 38950
under section 3317.03 of the Revised Code, plus the number of 38951

students enrolled in the community school not counted in the 38952
district's transportation ADM who are transported under division 38953
(B) (1) or (2) of section 3314.091 of the Revised Code. 38954

(b) For any fiscal year which the general assembly has 38955
specified that the transportation payments to school districts 38956
be calculated in accordance with this section and any rules of 38957
the ~~state board of education department~~ implementing this 38958
section, the payment to the community school shall be the 38959
following: 38960

(i) For fiscal years 2022 and 2023, either of the 38961
following: 38962

(I) If the school district in which the student is 38963
entitled to attend school would have used a method of 38964
transportation for the student for which payments are computed 38965
and paid under division (E) of this section, 1.0 times the 38966
statewide transportation cost per student, as calculated in 38967
division (C) of this section; 38968

(II) If the school district in which the student is 38969
entitled to attend school would have used a method of 38970
transportation for the student for which payments are computed 38971
and paid in a manner described in division (G) of this section, 38972
the amount that would otherwise be computed for and paid to the 38973
district. 38974

(ii) For fiscal year 2024 and each fiscal year thereafter, 38975
an amount calculated in a manner determined by the general 38976
assembly. 38977

The community school, however, is not required to use the 38978
same method to transport the student. 38979

As used in this division, "entitled to attend school" 38980

means entitled to attend school under section 3313.64 or 3313.65 38981
of the Revised Code. 38982

(2) A community school shall be paid under division ~~(H)(1)~~ 38983
(I)(2) of this section only for students who are eligible as 38984
specified in section 3327.01 of the Revised Code and division 38985
(C)(1) of section 3314.091 of the Revised Code, and whose 38986
transportation to and from school is actually provided, who 38987
actually utilized transportation arranged, or for whom a payment 38988
in lieu of transportation is made by the community school's 38989
governing authority. To qualify for the payments, the community 38990
school shall report to the department, in the form and manner 38991
required by the department, data on the number of students 38992
transported or whose transportation is arranged, the number of 38993
miles traveled, cost to transport, and any other information 38994
requested by the department. 38995

Sec. 3317.0213. (A) The department of education and 38996
workforce shall compute and pay in accordance with this section 38997
additional state aid for preschool children with disabilities to 38998
each city, local, and exempted village school district and to 38999
each institution, as defined in section 3323.091 of the Revised 39000
Code. Funding shall be provided for children who are not 39001
enrolled in kindergarten and who are under age six on the 39002
thirtieth day of September of the academic year, or on the first 39003
day of August of the academic year if the school district in 39004
which the child is enrolled has adopted a resolution under 39005
division (A)(3) of section 3321.01 of the Revised Code, but not 39006
less than age three on the first day of December of the academic 39007
year. 39008

For fiscal years 2022 and 2023, the additional state aid 39009
shall be calculated under the following formula: 39010

(\$4,000 X the number of students who are preschool children with disabilities) + the sum of the following: 39011
39012

(1) The district's or institution's category one special education students who are preschool children with disabilities 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 X the district's state share percentage X 0.50; 39013
39014
39015
39016
39017

(2) The district's or institution's category two special education students who are preschool children with disabilities 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 X the district's state share percentage X 0.50; 39018
39019
39020
39021
39022

(3) The district's or institution's category three special education students who are preschool children with disabilities 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 X the district's state share percentage X 0.50; 39023
39024
39025
39026
39027

(4) The district's or institution's category four special education students who are preschool children with disabilities X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50; 39028
39029
39030
39031
39032

(5) The district's or institution's category five special education students who are preschool children with disabilities X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50; 39033
39034
39035
39036
39037

(6) The district's or institution's category six special education students who are preschool children with disabilities 39038
39039

X the multiple specified in division (F) of section 3317.013 of 39040
the Revised Code X the statewide average base cost per pupil for 39041
that fiscal year X the district's state share percentage X 0.50. 39042

For fiscal year 2024 and each fiscal year thereafter, the 39043
additional state aid shall be calculated for each category of 39044
special education students who are preschool children with 39045
disabilities using a formula specified by the general assembly. 39046

The special education disability categories for preschool 39047
children used in this section are the same categories prescribed 39048
in section 3317.013 of the Revised Code. 39049

As used in division (A) of this section, the state share 39050
percentage of a student enrolled in an institution is the state 39051
share percentage of the school district in which the student is 39052
entitled to attend school under section 3313.64 or 3313.65 of 39053
the Revised Code. 39054

(B) If an educational service center is providing services 39055
to students who are preschool children with disabilities under 39056
agreement with the city, local, or exempted village school 39057
district in which the students are entitled to attend school, 39058
that district may authorize the department to transfer funds 39059
computed under this section to the service center providing 39060
those services. 39061

(C) If a county DD board is providing services to students 39062
who are preschool children with disabilities under agreement 39063
with the city, local, or exempted village school district in 39064
which the students are entitled to attend school, the department 39065
shall deduct from the district's payment computed under division 39066
(A) of this section the total amount of those funds that are 39067
attributable to the students served by the county DD board and 39068

pay that amount to that board. 39069

Sec. 3317.0214. (A) The department of education and 39070
workforce shall compute and pay in accordance with this section 39071
additional state aid to school districts for students in 39072
categories two through six special education ADM. If a 39073
district's costs for the fiscal year for a student in its 39074
categories two through six special education ADM exceed the 39075
threshold catastrophic cost for serving the student, the 39076
district may submit to the ~~superintendent of public instruction~~ 39077
department documentation, as prescribed by the 39078
~~superintendent~~department, of all its costs for that student. 39079
Upon submission of documentation for a student of the type and 39080
in the manner prescribed, the department shall pay to the 39081
district an amount equal to the sum of the following: 39082

(1) One-half of the district's costs for the student in 39083
excess of the threshold catastrophic cost; 39084

(2) The product of one-half of the district's costs for 39085
the student in excess of the threshold catastrophic cost 39086
multiplied by the district's state share percentage. 39087

(B) For purposes of division (A) of this section, the 39088
threshold catastrophic cost for serving a student equals: 39089

(1) For a student in the school district's category two, 39090
three, four, or five special education ADM, twenty-seven 39091
thousand three hundred seventy-five dollars; 39092

(2) For a student in the district's category six special 39093
education ADM, thirty-two thousand eight hundred fifty dollars. 39094

(C) The district shall report under division (A) of this 39095
section, and the department shall pay for, only the costs of 39096
educational expenses and the related services provided to the 39097

student in accordance with the student's individualized 39098
education program. Any legal fees, court costs, or other costs 39099
associated with any cause of action relating to the student may 39100
not be included in the amount. 39101

Sec. 3317.0215. (A) (1) For fiscal years 2022 and 2023, the 39102
department of education and workforce shall withhold from the 39103
aggregate amount paid for a fiscal year to each city, local, 39104
exempted village, and joint vocational school district, 39105
community school established under Chapter 3314. of the Revised 39106
Code, and science, technology, engineering, and mathematics 39107
school established under Chapter 3326. of the Revised Code an 39108
amount equal to the following: 39109

(a) In the case of a city, local, or exempted village 39110
school district, the aggregate amount of special education 39111
funding paid to the district under division (A) (3) of section 39112
3317.022 of the Revised Code times 0.10, subject to any funding 39113
limitations enacted by the general assembly to the computation. 39114

(b) In the case of a community school or STEM school, the 39115
aggregate amount of special education funding paid to the school 39116
under division (A) (1) (b) of section 3317.026 of the Revised Code 39117
times 0.10, subject to any funding limitations enacted by the 39118
general assembly to the computation. 39119

(c) In the case of a joint vocational school district, the 39120
aggregate amount of special education funding paid to the school 39121
under division (A) (2) of section 3317.16 of the Revised Code 39122
times 0.10, subject to any funding limitations enacted by the 39123
general assembly to the computation. 39124

(2) For fiscal year 2024 and each fiscal year thereafter, 39125
the department ~~of education~~ shall withhold from the aggregate 39126

amount paid for a fiscal year to each city, local, exempted
village, and joint vocational school district, community school,
and science, technology, engineering, and mathematics school an
amount determined by the general assembly, if any, for purposes
of this section.

(B) For fiscal years 2022 and 2023, the department shall
use the amount of funds withheld under division (A) of this
section for purposes of division (C) (1) of section 3314.08 of
the Revised Code, section 3317.0214 of the Revised Code,
division (B) of section 3317.16 of the Revised Code, and section
3326.34 of the Revised Code.

For fiscal year 2024 and each fiscal year thereafter, the
department shall use the amount of funds withheld under division
(A) of this section, if any, for purposes determined by the
general assembly.

Sec. 3317.0217. This section shall apply only for fiscal
years 2022 and 2023.

Payment of the amount calculated for a school district
under this section shall be made under division (A) of section
3317.022 of the Revised Code.

(A) For each fiscal year, the department of education and
workforce shall compute targeted assistance funds for city,
local, and exempted village school districts, in accordance with
the following formula:

A district's capacity amount for that fiscal year calculated
under division (B) of this section + a district's wealth amount
for that fiscal year calculated under division (C) of this
section

(B) The department shall calculate each district's

capacity amount for a fiscal year as follows:	39156
(1) Calculate each district's weighted wealth for that	39157
fiscal year, which equals the following sum:	39158
(The amount determined for the district for that fiscal year	39159
under division (A) (1) (a) of section 3317.017 of the Revised Code	39160
X 0.6) + (the amount determined for the district for that fiscal	39161
year under division (A) (2) (a) of section 3317.017 of the Revised	39162
Code X 0.4)	39163
(2) Determine the median weighted wealth of all school	39164
districts in this state for that fiscal year;	39165
(3) Compute each district's capacity index for that fiscal	39166
year by dividing the median weighted wealth of all school	39167
districts in this state for that fiscal year by the district's	39168
weighted wealth for that fiscal year;	39169
(4) Compute each district's capacity amount for that	39170
fiscal year as follows:	39171
(a) The district's capacity amount shall be zero if the	39172
district satisfies either of the following criteria for that	39173
fiscal year:	39174
(i) The district's capacity index is less than 1.	39175
(ii) The district's enrolled ADM is less than 200.	39176
(b) If the district does not satisfy either of the	39177
criteria specified in division (B) (4) (a) of this section for	39178
that fiscal year, the district's capacity amount for that fiscal	39179
year shall be calculated as follows:	39180
(i) Compute the following amount for the district:	39181
(The median weighted wealth of all school districts in this	39182

state for that fiscal year X 0.008) - (the district's weighted
wealth for that fiscal year X 0.008) 39183
39184

(ii) If the district's enrolled ADM for that fiscal year 39185
is greater than or equal to 200 but less than or equal to 400, 39186
the district's capacity amount for that fiscal year shall be 39187
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 39188
of this section. 39189

(iii) If the district's enrolled ADM for that fiscal year 39190
is greater than 400 and less than 600, the district's capacity 39191
amount for that fiscal year shall be calculated in accordance 39192
with the following formula: 39193

{[0.95 X (the district's enrolled ADM for that fiscal year - 39194
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 39195
(i) of this section 39196

(iv) If the district's enrolled ADM for that fiscal year 39197
is greater than or equal to 600, the district's capacity amount 39198
for that fiscal year shall be equal to the amount computed under 39199
division (B) (4) (b) (i) of this section. 39200

(C) The department shall calculate each district's wealth 39201
amount for a fiscal year as follows: 39202

(1) Calculate each district's weighted wealth per pupil 39203
for that fiscal year, which equals the following quotient: 39204

The district's weighted wealth for that fiscal year calculated 39205
under division (B) (1) of this section/ (the district's enrolled 39206
ADM for that fiscal year - the students described in division 39207
(A) (1) (b) of section 3317.03 of the Revised Code + the students 39208
described in division (A) (2) (d) of section 3317.03 of the 39209
Revised Code) 39210

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year; 39211
39212

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year; 39213
39214
39215
39216

(4) Compute each district's wealth amount for that fiscal year, as follows: 39217
39218

(a) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero. 39219
39220
39221

(b) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula: 39222
39223
39224
39225

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year 39226
39227
39228
39229

Sec. 3317.0218. This section shall apply only for fiscal years 2022 and 2023. 39230
39231

For each fiscal year, the department of education and workforce shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows: 39232
39233
39234
39235

(A) Determine if the district satisfies both of the following criteria: 39236
39237

(1) The wealth index calculated for the district for 39238

fiscal year 2019 under division (A) (4) of former section 39239
3317.0217 of the Revised Code as it existed prior to ~~the~~ 39240
~~effective date of this section~~ September 30, 2021, is greater 39241
than 1.6; 39242

(2) The district's enrolled ADM for fiscal year 2019 is 39243
less than eighty-eight per cent of the district's total ADM for 39244
fiscal year 2019. 39245

(B) Determine the maximum of the wealth indices calculated 39246
under division (A) (4) of former section 3317.0217 of the Revised 39247
Code as it existed prior to ~~the effective date of this section~~ 39248
September 30, 2021, for all districts that satisfy both of the 39249
criteria specified under division (A) of this section; 39250

(C) If the district satisfies both of the criteria 39251
specified under division (A) of this section, compute the 39252
district's supplemental amount as the product of the following: 39253

(1) $\{[(\text{The number specified under division (A) (1) of this section} - 1.6) / (\text{the number determined under division (B) of this section} - 1.6)] \times 675\} + 75;$ 39254
39255
39256

(2) The district's enrolled ADM. 39257

(D) If the district does not satisfy both of the criteria 39258
specified under division (A) of this section, the district's 39259
supplemental amount shall be equal to zero. 39260

Sec. 3317.03. (A) The superintendent of each city, local, 39261
and exempted village school district shall report to the ~~state~~ 39262
~~board~~ department of education and workforce as of the last day 39263
of October, March, and June of each year the enrollment of 39264
students receiving services from schools under the 39265
superintendent's supervision, and the numbers of other students 39266
entitled to attend school in the district under section 3313.64 39267

or 3313.65 of the Revised Code the superintendent is required to 39268
report under this section, so that the department ~~of education~~ 39269
can calculate the district's enrolled ADM, formula ADM, total 39270
ADM, category one through five career-technical education ADM, 39271
category one through three English learner ADM, category one 39272
through six special education ADM, transportation ADM, and, for 39273
purposes of provisions of law outside of Chapter 3317. of the 39274
Revised Code, average daily membership. 39275

(1) The enrollment reported by the superintendent during 39276
the reporting period shall consist of the number of students in 39277
grades kindergarten through twelve receiving any educational 39278
services from the district, except that the following categories 39279
of students shall not be included in the determination: 39280

(a) Students enrolled in adult education classes; 39281

(b) Adjacent or other district students enrolled in the 39282
district under an open enrollment policy pursuant to section 39283
3313.98 of the Revised Code; 39284

(c) Students receiving services in the district pursuant 39285
to a compact, cooperative education agreement, or a contract, 39286
but who are entitled to attend school in another district 39287
pursuant to section 3313.64 or 3313.65 of the Revised Code; 39288

(d) Students for whom tuition is payable pursuant to 39289
sections 3317.081 and 3323.141 of the Revised Code; 39290

(e) Students receiving services in the district through a 39291
scholarship awarded under either section 3310.41 or sections 39292
3310.51 to 3310.64 of the Revised Code. 39293

When reporting students under division (A)(1) of this 39294
section, the superintendent also shall report the district where 39295
each student is entitled to attend school pursuant to sections 39296

3313.64 and 3313.65 of the Revised Code.	39297
(2) The department of education shall compile a list of	39298
all students reported to be enrolled in a district under	39299
division (A)(1) of this section and of the students entitled to	39300
attend school in the district pursuant to section 3313.64 or	39301
3313.65 of the Revised Code on an FTE basis but receiving	39302
educational services in grades kindergarten through twelve from	39303
one or more of the following entities:	39304
(a) A community school pursuant to Chapter 3314. of the	39305
Revised Code, including any participation in a college pursuant	39306
to Chapter 3365. of the Revised Code while enrolled in such	39307
community school;	39308
(b) An alternative school pursuant to sections 3313.974 to	39309
3313.979 of the Revised Code;	39310
(c) A college pursuant to Chapter 3365. of the Revised	39311
Code, except when the student is enrolled in the college while	39312
also enrolled in a community school pursuant to Chapter 3314., a	39313
science, technology, engineering, and mathematics school	39314
established under Chapter 3326., or a college-preparatory	39315
boarding school established under Chapter 3328. of the Revised	39316
Code;	39317
(d) An adjacent or other school district under an open	39318
enrollment policy adopted pursuant to section 3313.98 of the	39319
Revised Code;	39320
(e) An educational service center or cooperative education	39321
district;	39322
(f) Another school district under a cooperative education	39323
agreement, compact, or contract;	39324

(g) A chartered nonpublic school with a scholarship paid 39325
under section 3317.022 of the Revised Code, if the students 39326
qualified for the scholarship under section 3310.03 or 3310.032 39327
of the Revised Code; 39328

(h) An alternative public provider or a registered private 39329
provider with a scholarship awarded under either section 3310.41 39330
or sections 3310.51 to 3310.64 of the Revised Code. 39331

As used in this section, "alternative public provider" and 39332
"registered private provider" have the same meanings as in 39333
section 3310.41 or 3310.51 of the Revised Code, as applicable. 39334

(i) A science, technology, engineering, and mathematics 39335
school established under Chapter 3326. of the Revised Code, 39336
including any participation in a college pursuant to Chapter 39337
3365. of the Revised Code while enrolled in the school; 39338

(j) A college-preparatory boarding school established 39339
under Chapter 3328. of the Revised Code, including any 39340
participation in a college pursuant to Chapter 3365. of the 39341
Revised Code while enrolled in the school. 39342

(3) The department also shall compile a list of the 39343
students entitled to attend school in the district under section 39344
3313.64 or 3313.65 of the Revised Code who are enrolled in a 39345
joint vocational school district or under a career-technical 39346
education compact, excluding any students so entitled to attend 39347
school in the district who are enrolled in another school 39348
district through an open enrollment policy as reported under 39349
division (A) (2) (d) of this section and then enroll in a joint 39350
vocational school district or under a career-technical education 39351
compact. 39352

The department shall provide each city, local, and 39353

exempted village school district with an opportunity to review 39354
the list of students compiled under divisions (A) (2) and (3) of 39355
this section to ensure that the students reported accurately 39356
reflect the enrollment of students in the district. 39357

(B) To enable the department ~~of education~~ to obtain the 39358
data needed to complete the calculation of payments pursuant to 39359
this chapter, each superintendent shall certify from the reports 39360
provided by the department under division (A) of this section 39361
all of the following: 39362

(1) The total student enrollment in regular learning day 39363
classes included in the report under division (A) (1) or (2), 39364
including any student described in division (A) (1) (b) of this 39365
section and excluding any student reported under divisions (A) 39366
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, of 39367
this section for each of the individual grades kindergarten 39368
through twelve in schools under the superintendent's 39369
supervision; 39370

(2) The unduplicated count of the number of preschool 39371
children with disabilities enrolled in the district for whom the 39372
district is eligible to receive funding under section 3317.0213 39373
of the Revised Code adjusted for the portion of the year each 39374
child is so enrolled, in accordance with the disability 39375
categories prescribed in section 3317.013 of the Revised Code; 39376

(3) The number of children entitled to attend school in 39377
the district pursuant to section 3313.64 or 3313.65 of the 39378
Revised Code who are: 39379

(a) Enrolled in a college under Chapter 3365. of the 39380
Revised Code, except when the student is enrolled in the college 39381
while also enrolled in a community school pursuant to Chapter 39382

3314. of the Revised Code, a science, technology, engineering, 39383
and mathematics school established under Chapter 3326., or a 39384
college-preparatory boarding school established under Chapter 39385
3328. of the Revised Code; 39386

(b) Participating in a program operated by a county board 39387
of developmental disabilities or a state institution~~+~~. 39388

(4) The total enrollment of pupils in joint vocational 39389
schools; 39390

(5) The combined enrollment of children with disabilities 39391
reported under division (A) (1) or (2) of this section, including 39392
any student described in division (A) (1) (b) of this section and 39393
excluding any student reported under divisions (A) (2) (a), (b), 39394
(d), (g), (h), (i), and (j) of this section, receiving special 39395
education services for the category one disability described in 39396
division (A) of section 3317.013 of the Revised Code, including 39397
children attending a special education program operated by an 39398
alternative public provider or a registered private provider 39399
with a scholarship awarded under sections 3310.51 to 3310.64 of 39400
the Revised Code; 39401

(6) The combined enrollment of children with disabilities 39402
reported under division (A) (1) or (2) of this section, including 39403
any student described in division (A) (1) (b) of this section and 39404
excluding any student reported under divisions (A) (2) (a), (b), 39405
(d), (g), (h), (i), and (j) of this section, receiving special 39406
education services for category two disabilities described in 39407
division (B) of section 3317.013 of the Revised Code, including 39408
children attending a special education program operated by an 39409
alternative public provider or a registered private provider 39410
with a scholarship awarded under sections 3310.51 to 3310.64 of 39411
the Revised Code; 39412

(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) 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 five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered

private provider with a scholarship awarded under sections 39444
3310.51 to 3310.64 of the Revised Code; 39445

(10) The combined enrollment of children with disabilities 39446
reported under division (A)(1) or (2) of this section, including 39447
any student described in division (A)(1)(b) of this section and 39448
excluding any student reported under divisions (A)(2)(a), (b), 39449
(d), (g), (h), (i), and (j) of this section, receiving special 39450
education services for category six disabilities described in 39451
division (F) of section 3317.013 of the Revised Code, including 39452
children attending a special education program operated by an 39453
alternative public provider or a registered private provider 39454
with a scholarship awarded under either section 3310.41 or 39455
sections 3310.51 to 3310.64 of the Revised Code; 39456

(11) The enrollment of pupils reported under division (A) 39457
(1) or (2) of this section on a full-time equivalency basis, 39458
including any student described in division (A)(1)(b) of this 39459
section and excluding any student reported under divisions (A) 39460
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 39461
category one career-technical education programs or classes, 39462
described in division (A)(1) of section 3317.014 of the Revised 39463
Code, operated by the school district or by another district 39464
that is a member of the district's career-technical planning 39465
district, other than a joint vocational school district, or by 39466
an educational service center, notwithstanding division (M) of 39467
section 3317.02 of the Revised Code and division (C)(3) of this 39468
section; 39469

(12) The enrollment of pupils reported under division (A) 39470
(1) or (2) of this section on a full-time equivalency basis, 39471
including any student described in division (A)(1)(b) of this 39472
section and excluding any student reported under divisions (A) 39473

(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39474
category two career-technical education programs or services, 39475
described in division (A) (2) of section 3317.014 of the Revised 39476
Code, operated by the school district or another school district 39477
that is a member of the district's career-technical planning 39478
district, other than a joint vocational school district, or by 39479
an educational service center, notwithstanding division (M) of 39480
section 3317.02 of the Revised Code and division (C) (3) of this 39481
section; 39482

(13) The enrollment of pupils reported under division (A) 39483
(1) or (2) of this section on a full-time equivalency basis, 39484
including any student described in division (A) (1) (b) of this 39485
section and excluding any student reported under divisions (A) 39486
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39487
category three career-technical education programs or services, 39488
described in division (A) (3) of section 3317.014 of the Revised 39489
Code, operated by the school district or another school district 39490
that is a member of the district's career-technical planning 39491
district, other than a joint vocational school district, or by 39492
an educational service center, notwithstanding division (M) of 39493
section 3317.02 of the Revised Code and division (C) (3) of this 39494
section; 39495

(14) The enrollment of pupils reported under division (A) 39496
(1) or (2) of this section on a full-time equivalency basis, 39497
including any student described in division (A) (1) (b) of this 39498
section and excluding any student reported under divisions (A) 39499
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39500
category four career-technical education programs or services, 39501
described in division (A) (4) of section 3317.014 of the Revised 39502
Code, operated by the school district or another school district 39503
that is a member of the district's career-technical planning 39504

district, other than a joint vocational school district, or by 39505
an educational service center, notwithstanding division (M) of 39506
section 3317.02 of the Revised Code and division (C) (3) of this 39507
section; 39508

(15) The enrollment of pupils reported under division (A) 39509
(1) or (2) of this section on a full-time equivalency basis, 39510
including any student described in division (A) (1) (b) of this 39511
section and excluding any student reported under divisions (A) 39512
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39513
category five career-technical education programs or services, 39514
described in division (A) (5) of section 3317.014 of the Revised 39515
Code, operated by the school district or another school district 39516
that is a member of the district's career-technical planning 39517
district, other than a joint vocational school district, or by 39518
an educational service center, notwithstanding division (M) of 39519
section 3317.02 of the Revised Code and division (C) (3) of this 39520
section; 39521

(16) The enrollment of pupils reported under division (A) 39522
(1) or (2) of this section who are English learners described in 39523
division (A) of section 3317.016 of the Revised Code, including 39524
any student described in division (A) (1) (b) of this section and 39525
excluding any student reported under divisions (A) (2) (a), (b), 39526
(d), (g), (h), (i), and (j) of this section; 39527

(17) The enrollment of pupils reported under division (A) 39528
(1) or (2) of this section who are English learners described in 39529
division (B) of section 3317.016 of the Revised Code, including 39530
any student described in division (A) (1) (b) of this section and 39531
excluding any student reported under divisions (A) (2) (a), (b), 39532
(d), (g), (h), (i), and (j) of this section; 39533

(18) The enrollment of pupils reported under division (A) 39534

(1) or (2) of this section who are English learners described in 39535
division (C) of section 3317.016 of the Revised Code, including 39536
any student described in division (A) (1) (b) of this section and 39537
excluding any student reported under divisions (A) (2) (a), (b), 39538
(d), (g), (h), (i), and (j) of this section; 39539

(19) The average number of children transported during the 39540
reporting period by the school district on board-owned or 39541
contractor-owned and -operated buses, reported in accordance 39542
with rules adopted by the department ~~of education~~; 39543

(20) (a) The number of children, other than preschool 39544
children with disabilities, the district placed with a county 39545
board of developmental disabilities in fiscal year 1998. 39546
Division (B) (20) (a) of this section does not apply after fiscal 39547
year 2013. 39548

(b) The number of children with disabilities, other than 39549
preschool children with disabilities, placed with a county board 39550
of developmental disabilities in the current fiscal year to 39551
receive special education services for the category one 39552
disability described in division (A) of section 3317.013 of the 39553
Revised Code; 39554

(c) The number of children with disabilities, other than 39555
preschool children with disabilities, placed with a county board 39556
of developmental disabilities in the current fiscal year to 39557
receive special education services for category two disabilities 39558
described in division (B) of section 3317.013 of the Revised 39559
Code; 39560

(d) The number of children with disabilities, other than 39561
preschool children with disabilities, placed with a county board 39562
of developmental disabilities in the current fiscal year to 39563

receive special education services for category three 39564
disabilities described in division (C) of section 3317.013 of 39565
the Revised Code; 39566

(e) The number of children with disabilities, other than 39567
preschool children with disabilities, placed with a county board 39568
of developmental disabilities in the current fiscal year to 39569
receive special education services for category four 39570
disabilities described in division (D) of section 3317.013 of 39571
the Revised Code; 39572

(f) The number of children with disabilities, other than 39573
preschool children with disabilities, placed with a county board 39574
of developmental disabilities in the current fiscal year to 39575
receive special education services for the category five 39576
disabilities described in division (E) of section 3317.013 of 39577
the Revised Code; 39578

(g) The number of children with disabilities, other than 39579
preschool children with disabilities, placed with a county board 39580
of developmental disabilities in the current fiscal year to 39581
receive special education services for category six disabilities 39582
described in division (F) of section 3317.013 of the Revised 39583
Code. 39584

(21) The enrollment of students who are economically 39585
disadvantaged, as defined by the department, including any 39586
student described in divisions (A)(1)(b) of this section and 39587
excluding any student reported under divisions (A)(2)(a), (b), 39588
(d), (g), (h), (i), and (j) of this section. A student shall not 39589
be categorically excluded from the number reported under 39590
division (B)(21) of this section based on anything other than 39591
family income. 39592

(22) The enrollment of students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code. 39593
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39595

(C) (1) The ~~state board of education~~ department shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section. 39596
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(2) A student enrolled in a community school established under Chapter 3314., 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 shall be counted in the formula ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3317.022 or 3328.24 of the Revised Code. Notwithstanding the enrollment of students reported pursuant to division (A) (2) (a), (i), or (j) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year. 39599
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(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B) (1) to (22), or division (D) of this section, except as follows: 39619
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(a) (i) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

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

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

(ii) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in enrolled ADM and category one, two,

three, four, or five career-technical education ADM and, if 39653
applicable, in category one, two, three, four, five, or six 39654
special education ADM. Such a child shall be counted in category 39655
one, two, three, four, or five career-technical education ADM in 39656
the same proportion as the percentage of time that the child 39657
spends in the career-technical education programs or classes. 39658

(4) Based on the information reported under this section, 39659
~~the department of education~~ shall determine the total student 39660
count, as defined in section 3301.011 of the Revised Code, for 39661
each school district. 39662

(D) (1) The superintendent of each joint vocational school 39663
district shall report and certify to the ~~superintendent of~~ 39664
~~public instruction department~~ as of the last day of October, 39665
March, and June of each year the enrollment of students 39666
receiving services from schools under the superintendent's 39667
supervision so that the department can calculate the district's 39668
enrolled ADM, formula ADM, total ADM, category one through five 39669
career-technical education ADM, category one through three 39670
English learner ADM, category one through six special education 39671
ADM, and for purposes of provisions of law outside of Chapter 39672
3317. of the Revised Code, average daily membership. 39673

The enrollment reported and certified by the 39674
superintendent, except as otherwise provided in this division, 39675
shall consist of the number of students in grades six through 39676
twelve receiving any educational services from the district, 39677
except that the following categories of students shall not be 39678
included in the determination: 39679

(a) Students enrolled in adult education classes; 39680

(b) Adjacent or other district joint vocational students 39681

enrolled in the district under an open enrollment policy 39682
pursuant to section 3313.98 of the Revised Code; 39683

(c) Students receiving services in the district pursuant 39684
to a compact, cooperative education agreement, or a contract, 39685
but who are entitled to attend school in a city, local, or 39686
exempted village school district whose territory is not part of 39687
the territory of the joint vocational district; 39688

(d) Students for whom tuition is payable pursuant to 39689
sections 3317.081 and 3323.141 of the Revised Code. 39690

(2) To enable the department ~~of education~~ to obtain the 39691
data needed to complete the calculation of payments pursuant to 39692
this chapter, each superintendent shall certify from the report 39693
provided under division (D) (1) of this section the enrollment 39694
for each of the following categories of students: 39695

(a) Students enrolled in each individual grade included in 39696
the joint vocational district schools, including any student 39697
described in division (D) (1) (b) of this section; 39698

(b) Children with disabilities receiving special education 39699
services for the category one disability described in division 39700
(A) of section 3317.013 of the Revised Code, including any 39701
student described in division (D) (1) (b) of this section; 39702

(c) Children with disabilities receiving special education 39703
services for the category two disabilities described in division 39704
(B) of section 3317.013 of the Revised Code, including any 39705
student described in division (D) (1) (b) of this section; 39706

(d) Children with disabilities receiving special education 39707
services for category three disabilities described in division 39708
(C) of section 3317.013 of the Revised Code, including any 39709
student described in division (D) (1) (b) of this section; 39710

(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;	39711 39712 39713 39714
(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;	39715 39716 39717 39718
(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;	39719 39720 39721 39722
(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;	39723 39724 39725 39726
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39727 39728 39729 39730
(j) Students receiving category three career-technical education services, described in division (A) (3) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39731 39732 39733 39734
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39735 39736 39737 39738
(l) Students receiving category five career-technical	39739

education services, described in division (A) (5) of section 39740
3317.014 of the Revised Code, including any student described in 39741
division (D) (1) (b) of this section; 39742

(m) English learners described in division (A) of section 39743
3317.016 of the Revised Code, including any student described in 39744
division (D) (1) (b) of this section; 39745

(n) English learners described in division (B) of section 39746
3317.016 of the Revised Code, including any student described in 39747
division (D) (1) (b) of this section; 39748

(o) English learners described in division (C) of section 39749
3317.016 of the Revised Code, including any student described in 39750
division (D) (1) (b) of this section; 39751

(p) Students who are economically disadvantaged, as 39752
defined by the department, including any student described in 39753
division (D) (1) (b) of this section. A student shall not be 39754
categorically excluded from the number reported under division 39755
(D) (2) (p) of this section based on anything other than family 39756
income. 39757

The superintendent of each joint vocational school 39758
district shall also indicate the city, local, or exempted 39759
village school district in which each joint vocational district 39760
pupil is entitled to attend school pursuant to section 3313.64 39761
or 3313.65 of the Revised Code. 39762

(E) In each school of each city, local, exempted village, 39763
joint vocational, and cooperative education school district 39764
there shall be maintained a record of school enrollment, which 39765
record shall accurately show, for each day the school is in 39766
session, the actual enrollment in regular day classes. For the 39767
purpose of determining the enrollment of students, the 39768

enrollment figure of any school shall not include any pupils 39769
except those pupils described by division (A) or (D) of this 39770
section. The record of enrollment for each school shall be 39771
maintained in such manner that no pupil shall be counted as 39772
enrolled prior to the actual date of entry in the school and 39773
also in such manner that where for any cause a pupil permanently 39774
withdraws from the school that pupil shall not be counted as 39775
enrolled from and after the date of such withdrawal. There shall 39776
not be included in the enrollment of any school any of the 39777
following: 39778

(1) Any pupil who has graduated from the twelfth grade of 39779
a public or nonpublic high school; 39780

(2) Any pupil who is not a resident of the state; 39781

(3) Any pupil who was enrolled in the schools of the 39782
district during the previous school year when assessments were 39783
administered under section 3301.0711 of the Revised Code but did 39784
not take one or more of the assessments required by that section 39785
and was not excused pursuant to division (C) (1) or (3) of that 39786
section; 39787

(4) Any pupil who has attained the age of twenty-two 39788
years, except for veterans of the armed services whose 39789
attendance was interrupted before completing the recognized 39790
twelve-year course of the public schools by reason of induction 39791
or enlistment in the armed forces and who apply for reenrollment 39792
in the public school system of their residence not later than 39793
four years after termination of war or their honorable 39794
discharge; 39795

(5) Any pupil who has a certificate of high school 39796
equivalence as defined in section 5107.40 of the Revised Code. 39797

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.

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.

The enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the ~~state board of education~~ department.

(F) (1) If a student attending a community school under Chapter 3314., 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 is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of

the Revised Code, the department ~~of education~~ shall adjust the 39828
formula ADM of that school district to include the student in 39829
accordance with division (C) (2) of this section. 39830

(2) If a student awarded an educational choice scholarship 39831
is not included in the formula ADM of the school district in 39832
which the student resides, the department shall adjust the 39833
formula ADM of that school district to include the student. 39834

(3) If a student awarded a scholarship under the Jon 39835
Peterson special needs scholarship program is not included in 39836
the formula ADM of the school district in which the student 39837
resides, the department shall adjust the formula ADM of that 39838
school district to include the student. 39839

(G) (1) (a) The superintendent of an institution operating a 39840
special education program pursuant to section 3323.091 of the 39841
Revised Code shall, for the programs under such superintendent's 39842
supervision, certify to the ~~state board of education~~ department, 39843
in the manner prescribed by the ~~superintendent of public-~~ 39844
~~instruction~~ director of education and workforce, both of the 39845
following: 39846

(i) The unduplicated count of the number of all children 39847
with disabilities other than preschool children with 39848
disabilities receiving services at the institution for each 39849
category of disability described in divisions (A) to (F) of 39850
section 3317.013 of the Revised Code adjusted for the portion of 39851
the year each child is so enrolled; 39852

(ii) The unduplicated count of the number of all preschool 39853
children with disabilities in classes or programs for whom the 39854
district is eligible to receive funding under section 3317.0213 39855
of the Revised Code adjusted for the portion of the year each 39856

child is so enrolled, reported according to the categories 39857
prescribed in section 3317.013 of the Revised Code. 39858

(b) The superintendent of an institution with career- 39859
technical education units approved under section 3317.05 of the 39860
Revised Code shall, for the units under the superintendent's 39861
supervision, certify to the ~~state board of education~~ department 39862
the enrollment in those units, in the manner prescribed by the 39863
~~superintendent of public instruction~~ director of education and 39864
workforce. 39865

(2) The superintendent of each county board of 39866
developmental disabilities that maintains special education 39867
classes under section 3317.20 of the Revised Code or provides 39868
services to preschool children with disabilities pursuant to an 39869
agreement between the county board and the appropriate school 39870
district shall do both of the following: 39871

(a) Certify to the ~~state board~~ department, in the manner 39872
prescribed by the ~~board~~ department, the enrollment in classes 39873
under section 3317.20 of the Revised Code for each school 39874
district that has placed children in the classes; 39875

(b) Certify to the ~~state board~~ department, in the manner 39876
prescribed by the ~~board~~ department, the unduplicated count of 39877
the number of all preschool children with disabilities enrolled 39878
in classes for which the board is eligible to receive funding 39879
under section 3317.0213 of the Revised Code adjusted for the 39880
portion of the year each child is so enrolled, reported 39881
according to the categories prescribed in section 3317.013 of 39882
the Revised Code, and the number of those classes. 39883

(H) Except as provided in division (I) of this section, 39884
when any city, local, or exempted village school district 39885

provides instruction for a nonresident pupil whose attendance is 39886
unauthorized attendance as defined in section 3327.06 of the 39887
Revised Code, that pupil's enrollment shall not be included in 39888
that district's enrollment figure used in calculating the 39889
district's payments under this chapter. The reporting official 39890
shall report separately the enrollment of all pupils whose 39891
attendance in the district is unauthorized attendance, and the 39892
enrollment of each such pupil shall be credited to the school 39893
district in which the pupil is entitled to attend school under 39894
division (B) of section 3313.64 or section 3313.65 of the 39895
Revised Code as determined by the department ~~of education.~~ 39896

(I) This division shall not apply on or after ~~the~~ 39897
~~effective date of this amendment~~ September 30, 2021. 39898

(1) A city, local, exempted village, or joint vocational 39899
school district admitting a scholarship student of a pilot 39900
project district pursuant to division (C) of section 3313.976 of 39901
the Revised Code may count such student in its enrollment. 39902

(2) In any year for which funds are appropriated for pilot 39903
project scholarship programs, a school district implementing a 39904
state-sponsored pilot project scholarship program that year 39905
pursuant to sections 3313.974 to 3313.979 of the Revised Code 39906
may count in its enrollment: 39907

(a) All children residing in the district and utilizing a 39908
scholarship to attend kindergarten in any alternative school, as 39909
defined in section 3313.974 of the Revised Code; 39910

(b) All children who were enrolled in the district in the 39911
preceding year who are utilizing a scholarship to attend an 39912
alternative school. 39913

(J) The superintendent of each cooperative education 39914

school district shall certify to the ~~superintendent of public~~ 39915
~~instruction~~director of education and workforce, in a manner 39916
prescribed by the ~~state board of education~~ department, the 39917
applicable enrollments for all students in the cooperative 39918
education district, also indicating the city, local, or exempted 39919
village district where each pupil is entitled to attend school 39920
under section 3313.64 or 3313.65 of the Revised Code. 39921

(K) If the ~~superintendent of public instruction~~ director 39922
of education and workforce determines that a component of the 39923
enrollment certified or reported by a district superintendent, 39924
or other reporting entity, is not correct, the ~~superintendent of~~ 39925
~~public instruction~~ director of education and workforce may order 39926
that the district's enrolled ADM, formula ADM, or both be 39927
adjusted in the amount of the error. 39928

Sec. 3317.031. A membership record shall be kept by grade 39929
level in each city, local, exempted village, joint vocational, 39930
and cooperative education school district and such a record 39931
shall be kept by grade level in each educational service center 39932
that provides academic instruction to pupils, classes for pupils 39933
with disabilities, or any other direct instructional services to 39934
pupils. Such membership record shall show the following 39935
information for each pupil enrolled: Name, date of birth, name 39936
of parent, date entered school, date withdrawn from school, days 39937
present, days absent, and the number of days school was open for 39938
instruction while the pupil was enrolled. At the end of the 39939
school year this membership record shall show the total days 39940
present, the total days absent, and the total days due for all 39941
pupils in each grade. Such membership record shall show the 39942
pupils that are transported to and from school and it shall also 39943
show the pupils that are transported living within one mile of 39944
the school attended. This membership record shall also show any 39945

other information prescribed by the ~~state board~~ department of 39946
education and workforce. 39947

This membership record shall be kept intact for at least 39948
five years and shall be made available to the ~~state board of~~ 39949
~~education or its representative~~ department in making an audit of 39950
the average daily membership or the transportation of the 39951
district or educational service center. 39952

The ~~state board of education~~ department may withhold any 39953
money due any school district or educational service center 39954
under this chapter until it has satisfactory evidence that the 39955
board of education or educational service center governing board 39956
has fully complied with all of the provisions of this section. 39957

Nothing in this section shall require any person to 39958
release, or to permit access to, public school records in 39959
violation of section 3319.321 of the Revised Code. 39960

Sec. 3317.032. Each city, local, exempted village, and 39961
cooperative education school district, each educational service 39962
center, each county board of developmental disabilities, and 39963
each institution operating a special education program pursuant 39964
to section 3323.091 of the Revised Code shall, in accordance 39965
with procedures adopted by the ~~state board~~ department of 39966
education and workforce, maintain a record of district 39967
membership of all preschool children with disabilities who are 39968
served by a special education program. 39969

Sec. 3317.033. In accordance with rules which the ~~state~~ 39970
~~board~~ department of education and workforce shall adopt, each 39971
joint vocational school district shall do both of the following: 39972

(A) Maintain a record of district enrollment of any 39973
persons who are not eligible to be included in the district's 39974

formula ADM as that term is defined in section 3317.02 of the Revised Code; 39975
39976

(B) Annually certify to the ~~state board of education~~ department the number of persons for whom a record is maintained under division (A) of this section. These numbers shall be reported on a full-time equivalent basis. 39977
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Sec. 3317.036. (A) The superintendent of each city, local, and exempted village school district shall report to the ~~state board~~ department of education and workforce as of the last day of October, March, and June of each year the enrollment under section 3317.23 of the Revised Code, on a full-time equivalency basis, of individuals who are at least twenty-two years of age. This report shall be in addition to the district's report of the enrollment of students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code that is required under section 3317.03 of the Revised Code. 39981
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(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. 39991
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Sec. 3317.037. (A) As used in this section: 40000

(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~~ 40001
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department of education and workforce to one or more other 40004
school districts. 40005

(2) "Career-technical planning district" has the same 40006
meaning as in section 3317.023 of the Revised Code. 40007

(3) "Home district" means any city, local, or exempted 40008
village school district that is also not a lead district or a 40009
contracting district. 40010

(4) "Lead district" means a lead district, as defined in 40011
section 3317.023 of the Revised Code, which is designated by the 40012
~~department of education~~ to provide primary career-technical 40013
education leadership within a career-technical planning 40014
district. 40015

(B) For the purposes of maintaining student enrollment 40016
records under section 3317.03 of the Revised Code, the 40017
superintendent of each home district shall provide to the lead 40018
district or contracting district the attendance records for each 40019
student who receives career-technical education services 40020
provided by the lead district or contracting district in 40021
facilities operated by the student's home district. 40022

(C) Any lead district of a career-technical planning 40023
district may enter into an agreement with another school 40024
district within that career-technical planning district under 40025
which the lead district and the other school district may 40026
establish a method to determine the full-time equivalency for 40027
each student attending school in both districts for the purposes 40028
of calculating each district's enrollment under section 3317.03 40029
of the Revised Code. 40030

Sec. 3317.05. (A) The department of education and 40031
workforce shall determine for each institution, by the last day 40032

of January of each year and based on information certified under 40033
section 3317.03 of the Revised Code, the number of career- 40034
technical education units or fractions of units approved by the 40035
department on the basis of standards and rules adopted by the 40036
~~state board of education department~~. As used in this section, 40037
"institution" means an institution operated by a department 40038
specified in section 3323.091 of the Revised Code and that 40039
provides career-technical education programs under the 40040
supervision of the division of career-technical education of the 40041
department that meet the standards and rules for these programs, 40042
including licensure of professional staff involved in the 40043
programs, as established by the ~~state board department~~. 40044

(B) All of the arithmetical calculations made under this 40045
section shall be carried to the second decimal place. The total 40046
number of units for institutions approved annually under this 40047
section shall not exceed the number of units included in the 40048
estimate of cost for these units and appropriations made for 40049
them by the general assembly. 40050

(C) The department shall pay each institution approved for 40051
career-technical education units under division (A) of this 40052
section an amount for the total of all the units approved under 40053
that division. The amount for each unit shall be the sum of the 40054
minimum salary for the teacher of the unit, calculated on the 40055
basis of the teacher's training level and years of experience 40056
pursuant to the salary schedule prescribed in the version of 40057
section 3317.13 of the Revised Code in effect prior to July 1, 40058
2001, plus fifteen per cent of that minimum salary amount, and 40059
nine thousand five hundred ten dollars. Each institution that 40060
receives unit funds under this division annually shall report to 40061
the department on the delivery of services and the performance 40062
of students and any other information required by the department 40063

to evaluate the institution's career-technical education 40064
program. 40065

(D) For each unit allocated to an institution pursuant to 40066
division (A) of this section, the department, in addition to the 40067
amount specified in division (B) of this section, shall pay a 40068
supplemental unit allowance of \$7,227. 40069

Sec. 3317.051. (A) The department of education and 40070
workforce shall compute and pay to a school district funds based 40071
on units for services to students identified as gifted under 40072
Chapter 3324. of the Revised Code as prescribed by this section. 40073

(B) The department shall allocate gifted units for a 40074
school district as follows: 40075

(1) For fiscal years 2022 and 2023: 40076

(a) One gifted coordinator unit shall be allocated for 40077
every 3,300 students in a district's enrolled ADM, with a 40078
minimum of 0.5 units and a maximum of 8 units allocated for the 40079
district. 40080

(b) One kindergarten through eighth grade gifted 40081
intervention specialist unit shall be allocated for every 140 40082
gifted students enrolled in grades kindergarten through eight in 40083
the district, as certified under division (B) (22) of section 40084
3317.03 of the Revised Code, with a minimum of 0.3 units 40085
allocated for the district. 40086

(c) One ninth through twelfth grade gifted intervention 40087
specialist unit shall be allocated for every 140 gifted students 40088
enrolled in grades nine through twelve in the district, as 40089
certified under division (B) (22) of section 3317.03 of the 40090
Revised Code, with a minimum of 0.3 units allocated for the 40091
district. 40092

(2) For fiscal year 2024 and each fiscal year thereafter, 40093
in the manner prescribed by the general assembly. 40094

(C) The department shall pay an amount to a school 40095
district for gifted units as follows: 40096

(1) For fiscal years 2022 and 2023, an amount equal to the 40097
following sum: 40098

(\$85,776 X the number of units allocated to a school district 40099
under division (B) (1) (a) of this section X the district's state 40100
share percentage) + (\$89,378 X the number of units allocated to 40101
a school district under division (B) (1) (b) of this section X the 40102
district's state share percentage) + (\$80,974 X the number of 40103
units allocated to a school district under division (B) (1) (c) of 40104
this section X the district's state share percentage) 40105

(2) For fiscal year 2024 and each fiscal year thereafter, 40106
an amount calculated in a manner determined by the general 40107
assembly. 40108

(D) A school district may assign gifted unit funding that 40109
it receives under division (C) of this section to another school 40110
district, an educational service center, a community school, or 40111
a STEM school as part of an arrangement to provide services to 40112
the district. 40113

Sec. 3317.06. Moneys paid to school districts under 40114
division (E) (1) of section 3317.024 of the Revised Code shall be 40115
used for the following independent and fully severable purposes: 40116

(A) To purchase such secular textbooks or digital texts as 40117
have been approved by the ~~superintendent of public instruction~~ 40118
department of education and workforce for use in public schools 40119
in the state and to loan such textbooks or digital texts to 40120
pupils attending nonpublic schools within the district described 40121

in division (E) (1) of section 3317.024 of the Revised Code or to 40122
their parents and to hire clerical personnel to administer such 40123
lending program. Such loans shall be based upon individual 40124
requests submitted by such nonpublic school pupils or parents. 40125
Such requests shall be submitted to the school district in which 40126
the nonpublic school is located. Such individual requests for 40127
the loan of textbooks or digital texts shall, for administrative 40128
convenience, be submitted by the nonpublic school pupil or the 40129
pupil's parent to the nonpublic school, which shall prepare and 40130
submit collective summaries of the individual requests to the 40131
school district. As used in this section: 40132

(1) "Textbook" means any book or book substitute that a 40133
pupil uses as a consumable or nonconsumable text, text 40134
substitute, or text supplement in a particular class or program 40135
in the school the pupil regularly attends. 40136

(2) "Digital text" means a consumable book or book 40137
substitute that a student accesses through the use of a computer 40138
or other electronic medium or that is available through an 40139
internet-based provider of course content, or any other material 40140
that contributes to the learning process through electronic 40141
means. 40142

(B) To provide speech and hearing diagnostic services to 40143
pupils attending nonpublic schools within the district described 40144
in division (E) (1) of section 3317.024 of the Revised Code. Such 40145
service shall be provided in the nonpublic school attended by 40146
the pupil receiving the service. 40147

(C) To provide physician, nursing, dental, and optometric 40148
services to pupils attending nonpublic schools within the 40149
district described in division (E) (1) of section 3317.024 of the 40150
Revised Code. Such services shall be provided in the school 40151

attended by the nonpublic school pupil receiving the service. 40152

(D) To provide diagnostic psychological services to pupils 40153
attending nonpublic schools within the district described in 40154
division (E) (1) of section 3317.024 of the Revised Code. Such 40155
services shall be provided in the school attended by the pupil 40156
receiving the service. 40157

(E) To provide therapeutic psychological and speech and 40158
hearing services to pupils attending nonpublic schools within 40159
the district described in division (E) (1) of section 3317.024 of 40160
the Revised Code. Such services shall be provided in the public 40161
school, in nonpublic schools, in public centers, or in mobile 40162
units located on or off of the nonpublic premises. If such 40163
services are provided in the public school or in public centers, 40164
transportation to and from such facilities shall be provided by 40165
the school district in which the nonpublic school is located. 40166

(F) To provide guidance, counseling, and social work 40167
services to pupils attending nonpublic schools within the 40168
district described in division (E) (1) of section 3317.024 of the 40169
Revised Code. Such services shall be provided in the public 40170
school, in nonpublic schools, in public centers, or in mobile 40171
units located on or off of the nonpublic premises. If such 40172
services are provided in the public school or in public centers, 40173
transportation to and from such facilities shall be provided by 40174
the school district in which the nonpublic school is located. 40175

(G) To provide remedial services to pupils attending 40176
nonpublic schools within the district described in division (E) 40177
(1) of section 3317.024 of the Revised Code. Such services shall 40178
be provided in the public school, in nonpublic schools, in 40179
public centers, or in mobile units located on or off of the 40180
nonpublic premises. If such services are provided in the public 40181

school or in public centers, transportation to and from such 40182
facilities shall be provided by the school district in which the 40183
nonpublic school is located. 40184

(H) To supply for use by pupils attending nonpublic 40185
schools within the district described in division (E) (1) of 40186
section 3317.024 of the Revised Code such standardized tests and 40187
scoring services as are in use in the public schools of the 40188
state; 40189

(I) To provide programs for children who attend nonpublic 40190
schools within the district described in division (E) (1) of 40191
section 3317.024 of the Revised Code and are children with 40192
disabilities as defined in section 3323.01 of the Revised Code 40193
or gifted children. Such programs shall be provided in the 40194
public school, in nonpublic schools, in public centers, or in 40195
mobile units located on or off of the nonpublic premises. If 40196
such programs are provided in the public school or in public 40197
centers, transportation to and from such facilities shall be 40198
provided by the school district in which the nonpublic school is 40199
located. 40200

(J) To hire clerical personnel to assist in the 40201
administration of programs pursuant to divisions (B), (C), (D), 40202
(E), (F), (G), and (I) of this section and to hire supervisory 40203
personnel to supervise the providing of services and textbooks 40204
pursuant to this section. 40205

(K) To purchase or lease any secular, neutral, and 40206
nonideological computer application software designed to assist 40207
students in performing a single task or multiple related tasks, 40208
device management software, learning management software, site- 40209
licensing, digital video on demand (DVD), wide area connectivity 40210
and related technology as it relates to internet access, 40211

mathematics or science equipment and materials, instructional 40212
materials, and school library materials that are in general use 40213
in the public schools of the state and loan such items to pupils 40214
attending nonpublic schools within the district described in 40215
division (E) (1) of section 3317.024 of the Revised Code or to 40216
their parents, and to hire clerical personnel to administer the 40217
lending program. Only such items that are incapable of diversion 40218
to religious use and that are susceptible of loan to individual 40219
pupils and are furnished for the use of individual pupils shall 40220
be purchased and loaned under this division. As used in this 40221
section, "instructional materials" means prepared learning 40222
materials that are secular, neutral, and nonideological in 40223
character and are of benefit to the instruction of school 40224
children. "Instructional materials" includes media content that 40225
a student may access through the use of a computer or electronic 40226
device. 40227

Mobile applications that are secular, neutral, and 40228
nonideological in character and that are purchased for less than 40229
twenty dollars for instructional use shall be considered to be 40230
consumable and shall be distributed to students without the 40231
expectation that the applications must be returned. 40232

(L) To purchase or lease instructional equipment, 40233
including computer hardware and related equipment in general use 40234
in the public schools of the state, for use by pupils attending 40235
nonpublic schools within the district described in division (E) 40236
(1) of section 3317.024 of the Revised Code and to loan such 40237
items to pupils attending such nonpublic schools within the 40238
district or to their parents, and to hire clerical personnel to 40239
administer the lending program. "Computer hardware and related 40240
equipment" includes desktop computers and workstations; laptop 40241
computers, computer tablets, and other mobile handheld devices; 40242

their operating systems and accessories; and any equipment 40243
designed to make accessible the environment of a classroom to a 40244
student, who is physically unable to attend classroom activities 40245
due to hospitalization or other circumstances, by allowing real- 40246
time interaction with other students both one-on-one and in 40247
group discussion. 40248

(M) To purchase mobile units to be used for the provision 40249
of services pursuant to divisions (E), (F), (G), and (I) of this 40250
section and to pay for necessary repairs and operating costs 40251
associated with these units. 40252

(N) To reimburse costs the district incurred to store the 40253
records of a chartered nonpublic school that closes. 40254
Reimbursements under this division shall be made one time only 40255
for each chartered nonpublic school described in division (E) (1) 40256
of section 3317.024 of the Revised Code that closes. 40257

(O) To purchase life-saving medical or other emergency 40258
equipment for placement in nonpublic schools within the district 40259
described in division (E) (1) of section 3317.024 of the Revised 40260
Code or to maintain such equipment. 40261

(P) To procure and pay for security services from a county 40262
sheriff or a township or municipal police force or from a person 40263
certified through the Ohio peace officer training commission, in 40264
accordance with section 109.78 of the Revised Code, as a special 40265
police, security guard, or as a privately employed person 40266
serving in a police capacity for nonpublic schools in the 40267
district described in division (E) (1) of section 3317.024 of the 40268
Revised Code. 40269

(Q) To provide language and academic support services and 40270
other accommodations for English learners attending nonpublic 40271

schools within the district described in division (E) (1) of 40272
section 3317.024 of the Revised Code. 40273

Clerical and supervisory personnel hired pursuant to 40274
division (J) of this section shall perform their services in the 40275
public schools, in nonpublic schools, public centers, or mobile 40276
units where the services are provided to the nonpublic school 40277
pupil, except that such personnel may accompany pupils to and 40278
from the service sites when necessary to ensure the safety of 40279
the children receiving the services. 40280

All services provided pursuant to this section may be 40281
provided under contract with educational service centers, the 40282
department of health, city or general health districts, or 40283
private agencies whose personnel are properly licensed by an 40284
appropriate state board or agency. 40285

Transportation of pupils provided pursuant to divisions 40286
(E), (F), (G), and (I) of this section shall be provided by the 40287
school district from its general funds and not from moneys paid 40288
to it under division (E) (1) of section 3317.024 of the Revised 40289
Code unless a special transportation request is submitted by the 40290
parent of the child receiving service pursuant to such 40291
divisions. If such an application is presented to the school 40292
district, it may pay for the transportation from moneys paid to 40293
it under division (E) (1) of section 3317.024 of the Revised 40294
Code. 40295

No school district shall provide health or remedial 40296
services to nonpublic school pupils as authorized by this 40297
section unless such services are available to pupils attending 40298
the public schools within the district. 40299

Materials, equipment, computer hardware or software, 40300

textbooks, digital texts, and health and remedial services 40301
provided for the benefit of nonpublic school pupils pursuant to 40302
this section and the admission of pupils to such nonpublic 40303
schools shall be provided without distinction as to race, creed, 40304
color, or national origin of such pupils or of their teachers. 40305

No school district shall provide services, materials, or 40306
equipment that contain religious content for use in religious 40307
courses, devotional exercises, religious training, or any other 40308
religious activity. 40309

As used in this section, "parent" includes a person 40310
standing in loco parentis to a child. 40311

Notwithstanding section 3317.01 of the Revised Code, 40312
payments shall be made under this section to any city, local, or 40313
exempted village school district within which is located one or 40314
more nonpublic elementary or high schools described in division 40315
(E) (1) of section 3317.024 of the Revised Code and any payments 40316
made to school districts under division (E) (1) of section 40317
3317.024 of the Revised Code for purposes of this section may be 40318
disbursed without submission to and approval of the controlling 40319
board. 40320

The allocation of payments for materials, equipment, 40321
textbooks, digital texts, health services, and remedial services 40322
to city, local, and exempted village school districts shall be 40323
on the basis of the ~~state board of education's~~ department's 40324
estimated annual average daily membership in nonpublic 40325
elementary and high schools located in the district described in 40326
division (E) (1) of section 3317.024 of the Revised Code. 40327

Payments made to city, local, and exempted village school 40328
districts under this section shall be equal to specific 40329

appropriations made for the purpose. All interest earned by a 40330
school district on such payments shall be used by the district 40331
for the same purposes and in the same manner as the payments may 40332
be used. 40333

The ~~department of education~~ shall adopt guidelines and 40334
procedures under which such programs and services shall be 40335
provided, under which districts shall be reimbursed for 40336
administrative costs incurred in providing such programs and 40337
services, and under which any unexpended balance of the amounts 40338
appropriated by the general assembly to implement this section 40339
may be transferred to the auxiliary services personnel 40340
unemployment compensation fund established pursuant to section 40341
4141.47 of the Revised Code. The department shall also adopt 40342
guidelines and procedures limiting the purchase and loan of the 40343
items described in division (K) of this section to items that 40344
are in general use in the public schools of the state, that are 40345
incapable of diversion to religious use, and that are 40346
susceptible to individual use rather than classroom use. Within 40347
thirty days after the end of each biennium, each board of 40348
education shall remit to the department all moneys paid to it 40349
under division (E)(1) of section 3317.024 of the Revised Code 40350
and any interest earned on those moneys that are not required to 40351
pay expenses incurred under this section during the biennium for 40352
which the money was appropriated and during which the interest 40353
was earned. If a board of education subsequently determines that 40354
the remittal of moneys leaves the board with insufficient money 40355
to pay all valid expenses incurred under this section during the 40356
biennium for which the remitted money was appropriated, the 40357
board may apply to the ~~department of education~~ for a refund of 40358
money, not to exceed the amount of the insufficiency. If the 40359
department determines the expenses were lawfully incurred and 40360

would have been lawful expenditures of the refunded money, it 40361
shall certify its determination and the amount of the refund to 40362
be made to the director of job and family services who shall 40363
make a refund as provided in section 4141.47 of the Revised 40364
Code. 40365

Each school district shall label materials, equipment, 40366
computer hardware or software, textbooks, and digital texts 40367
purchased or leased for loan to a nonpublic school under this 40368
section, acknowledging that they were purchased or leased with 40369
state funds under this section. However, a district need not 40370
label materials, equipment, computer hardware or software, 40371
textbooks, or digital texts that the district determines are 40372
consumable in nature or have a value of less than two hundred 40373
dollars. 40374

Sec. 3317.061. The superintendent of each school district, 40375
including each cooperative education and joint vocational school 40376
district and the superintendent of each educational service 40377
center, shall, on forms prescribed and furnished by the ~~state~~ 40378
~~board department of education and workforce~~, certify to the 40379
department and the state board of education, on or before the 40380
fifteenth day of October of each year, the name of each licensed 40381
employee employed, on an annual salary, in each school under 40382
such superintendent's supervision during the first full school 40383
week of said month of October, the number of years of recognized 40384
college training such licensed employee has completed, the 40385
college degrees from a recognized college earned by such 40386
licensed employee, the type of teaching license held by such 40387
licensed employee, the number of months such licensed employee 40388
is employed in the school district, the annual salary of such 40389
licensed employee, and such other information as the ~~state board~~ 40390
of education department, in consultation with the state board, 40391

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 in public schools in the state. Textbooks purchased in accordance with this division may be disposed of four years after the date of purchase;

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

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

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

(5) To hire clerical personnel to assist in the 40421
administration of divisions (A) (2), (3), and (4) of this section 40422
and to hire supervisory personnel to supervise the providing of 40423
services and textbooks pursuant to this section. These personnel 40424
shall perform their services in the public schools, in nonpublic 40425
schools, public centers, or mobile units where the services are 40426
provided to the nonpublic school pupil, except that such 40427
personnel may accompany pupils to and from the service sites 40428
when necessary to ensure the safety of the children receiving 40429
the services. All services provided pursuant to this section may 40430
be provided under contract with school districts, educational 40431
service centers, the department of health, city or general 40432
health districts, or private agencies whose personnel are 40433
properly licensed by an appropriate state board or agency. 40434

(6) To purchase any of the materials described in division 40435
(K) of section 3317.06 of the Revised Code; 40436

(7) To purchase any of the equipment described in division 40437
(L) of section 3317.06 of the Revised Code; 40438

(8) To purchase mobile units to be used for the provision 40439
of services pursuant to division (A) (3) of this section and to 40440
pay for necessary repairs and operating costs associated with 40441
these units; 40442

(9) To purchase the equipment described in division (O) of 40443
section 3317.06 of the Revised Code; 40444

(10) To procure and pay for security services described in 40445
division (P) of section 3317.06 of the Revised Code. 40446

(B) Materials, equipment, computer hardware and software, 40447
textbooks, digital texts, and health and remedial services 40448
provided pursuant to this section and the admission of pupils to 40449

nonpublic schools shall be provided without distinction as to 40450
race, creed, color, or national origin of such pupils or of 40451
their teachers. 40452

(C) Any interest earned by a chartered nonpublic school on 40453
moneys paid to it under division (E) (2) of section 3317.024 of 40454
the Revised Code shall be used by the school for the same 40455
purposes and in the same manner as the payments may be used 40456
under this section. 40457

(D) The department ~~of education~~ shall adopt guidelines and 40458
procedures regarding both of the following: 40459

(1) The expenditure of moneys under this section; 40460

(2) The audit of nonpublic schools receiving funds under 40461
this section to ensure the appropriate use of funds. 40462

(E) The department shall adopt a rule specifying the party 40463
that owns any property purchased by a chartered nonpublic school 40464
with moneys paid under division (E) (2) of section 3317.024 of 40465
the Revised Code. The rule shall include procedures for disposal 40466
of the property by the designated owner when appropriate. 40467

(F) Within thirty days after the end of each biennium, 40468
each chartered nonpublic school shall remit to the department 40469
all moneys paid to it under division (E) (2) of section 3317.024 40470
of the Revised Code and any interest earned on those moneys that 40471
are not required to pay expenses incurred under this section 40472
during the biennium for which the moneys were appropriated and 40473
during which the interest was earned. If a school subsequently 40474
determines that the remittal of moneys leaves the school with 40475
insufficient money to pay all valid expenses incurred under this 40476
section during the biennium for which the remitted moneys were 40477
appropriated, the school may apply to the department for a 40478

refund of money, not to exceed the amount of the insufficiency. 40479
If the department determines the expenses were lawfully incurred 40480
and would have been lawful expenditures of the refunded money, 40481
the department shall make a refund in the necessary amount. 40482

(G) All services provided and purchases made pursuant to 40483
this section may be acquired under contract with school 40484
districts, educational service centers, the department of 40485
health, city or general health districts, or private entities. 40486

(H) When a chartered nonpublic school has materials or 40487
equipment purchased in accordance with division (A) (6) or (7) of 40488
this section that are no longer needed for school use, are 40489
obsolete, are unfit for the use for which they were acquired, or 40490
have been in the school's possession for at least four years, 40491
the school may dispose of that property in accordance with the 40492
school's disposal procedures, which may include donation, sale, 40493
trade, or permanent disposal. The school shall remit to the 40494
state treasury the proceeds from any sale made in accordance 40495
with this division. 40496

Sec. 3317.063. ~~The superintendent of public instruction,~~ 40497
~~in accordance with rules adopted by the department of education,~~ 40498
and workforce shall annually reimburse each chartered nonpublic 40499
school for the actual mandated service administrative and 40500
clerical costs incurred by such school during the preceding 40501
school year in preparing, maintaining, and filing reports, 40502
forms, and records, and in providing such other administrative 40503
and clerical services that are not an integral part of the 40504
teaching process as may be required by state law or rule or by 40505
requirements duly promulgated by city, exempted village, or 40506
local school districts. The mandated service costs reimbursed 40507
pursuant to this section shall include, but are not limited to, 40508

the preparation, filing and maintenance of forms, reports, or 40509
records and other clerical and administrative services relating 40510
to state chartering or approval of the nonpublic school, pupil 40511
attendance, pupil health and health testing, transportation of 40512
pupils, federally funded education programs, pupil appraisal, 40513
pupil progress, educator licensure, unemployment and workers' 40514
compensation, transfer of pupils, and such other education 40515
related data which are now or hereafter shall be required of 40516
such nonpublic school by state law or rule, or by requirements 40517
of the ~~state department of education~~, other state agencies, or 40518
city, exempted village, or local school districts. 40519

The reimbursement required by this section shall be for 40520
school years beginning on or after July 1, 1981. 40521

Each nonpublic school which seeks reimbursement pursuant 40522
to this section shall submit to the ~~superintendent of public~~ 40523
~~instruction department~~ an application together with such 40524
additional reports and documents as the ~~department of education~~ 40525
may require. Such application, reports, and documents shall 40526
contain such information as the ~~department of education~~ may 40527
prescribe in order to carry out the purposes of this section. No 40528
payment shall be made until the ~~superintendent of public~~ 40529
~~instruction department~~ has approved such application. 40530

Each nonpublic school which applies for reimbursement 40531
pursuant to this section shall maintain a separate account or 40532
system of accounts for the expenses incurred in rendering the 40533
required services for which reimbursement is sought. Such 40534
accounts shall contain such information as is required by the 40535
~~department of education~~ and shall be maintained in accordance 40536
with rules adopted by the ~~department of education~~. 40537

Reimbursement payments to a nonpublic school for a school 40538

year pursuant to this section shall not exceed the per-pupil 40539
amount specified by the general assembly for that school year. 40540

The ~~superintendent of public instruction department~~ may, 40541
from time to time, examine any and all accounts and records of a 40542
nonpublic school which have been maintained pursuant to this 40543
section in support of an application for reimbursement, for the 40544
purpose of determining the costs to such school of rendering the 40545
services for which reimbursement is sought. If after such audit 40546
it is determined that any school has received funds in excess of 40547
the actual cost of providing such services, said school shall 40548
immediately reimburse the state in such excess amount. 40549

Any payments made to chartered nonpublic schools under 40550
this section may be disbursed without submission to and approval 40551
of the controlling board. 40552

Sec. 3317.064. (A) There is hereby established in the 40553
state treasury the auxiliary services reimbursement fund. By the 40554
thirtieth day of January of each odd-numbered year, the director 40555
of job and family services and the ~~superintendent of public~~ 40556
~~instruction department of education and workforce~~ shall 40557
determine the amount of any excess moneys in the auxiliary 40558
services personnel unemployment compensation fund not reasonably 40559
necessary for the purposes of section 4141.47 of the Revised 40560
Code, and shall certify such amount to the director of budget 40561
and management for transfer to the auxiliary services 40562
reimbursement fund. If the director of job and family services 40563
and the ~~superintendent department~~ disagree on such amount, the 40564
director of budget and management shall determine the amount to 40565
be transferred. 40566

(B) Except as provided in divisions (C) and (D) of this 40567
section, moneys in the auxiliary services reimbursement fund 40568

shall be used for the relocation or for the replacement and 40569
repair of mobile units used to provide the services specified in 40570
division (E), (F), (G), or (I) of section 3317.06 and in 40571
division (A) (3) of section 3317.062 of the Revised Code. The 40572
~~state board of education~~ department shall adopt guidelines and 40573
procedures for replacement, repair, and relocation of mobile 40574
units and the procedures under which a school district or 40575
chartered nonpublic school may apply to receive moneys with 40576
which to repair or replace or relocate such units. 40577

(C) School districts and educational service centers may 40578
apply to the department for moneys from the auxiliary services 40579
reimbursement fund for payment of incentives for early 40580
retirement and severance for school district personnel assigned 40581
to provide services authorized by section 3317.06 or 3317.062 of 40582
the Revised Code at chartered nonpublic schools. The portion of 40583
the cost of any early retirement or severance incentive for any 40584
employee that is paid using money from the auxiliary services 40585
reimbursement fund shall not exceed the percentage of such 40586
employee's total service credit that the employee spent 40587
providing services to chartered nonpublic school students under 40588
section 3317.06 of the Revised Code. 40589

(D) The department ~~of education~~ may use a portion of the 40590
moneys in the auxiliary services reimbursement fund to make 40591
payments for chartered nonpublic school students under section 40592
3365.07 of the Revised Code, in accordance with rules adopted 40593
pursuant to section 3365.071 of the Revised Code. 40594

Sec. 3317.07. If the department of education and workforce 40595
determines that a county board of developmental disabilities no 40596
longer needs a school bus because the board no longer transports 40597
children to a special education program operated by the board, 40598

or if the department determines that a school district no longer 40599
needs a school bus to transport pupils to a nonpublic school or 40600
special education program, the department may reassign a bus 40601
that was funded with payments provided pursuant to the version 40602
of this section in effect prior to the effective date of this 40603
amendment for the purpose of transporting such pupils. The 40604
department may reassign a bus to a county board of developmental 40605
disabilities or school district that transports children to a 40606
special education program designated in the children's 40607
individualized education programs, or to a school district that 40608
transports pupils to a nonpublic school, and needs an additional 40609
school bus. 40610

Sec. 3317.071. For fiscal years 2022 and 2023, the 40611
department of education and workforce shall implement a program 40612
to distribute bus purchasing grants of not less than \$45,000 to 40613
city, local, and exempted village school districts for the 40614
purpose of replacing the oldest and highest mileage buses in the 40615
state assigned to routes. The department shall annually collect 40616
age, mileage, and vehicle condition data from districts through 40617
its transportation data collection system. 40618

Sec. 3317.072. (A) The transportation collaboration fund 40619
is hereby created in the state treasury for fiscal years 2022 40620
and 2023. The fund shall consist of money appropriated for this 40621
purpose by the general assembly. The department of education and 40622
workforce shall use money in the fund for grants awarded under 40623
this section. 40624

(B) (1) For fiscal years 2022 and 2023, the department 40625
shall award transportation collaboration grants each fiscal year 40626
to city, local, and exempted village school districts for 40627
efforts that lead to shared resource management, routing 40628

consolidation, regional collaboration, or other activities that 40629
have the potential to reduce transportation operating costs. 40630

(2) The department shall determine the amount of each 40631
grant awarded, but no grant shall exceed \$10,000 for any fiscal 40632
year. 40633

(3) The department shall adopt rules regarding all of the 40634
following: 40635

(a) The process for city, local, and exempted village 40636
school districts to submit applications for grants awarded under 40637
this section, including the deadline for those applications to 40638
be submitted; 40639

(b) The application form for grants awarded under this 40640
section; 40641

(c) The requirements and process for grant recipients to 40642
be eligible to renew their grants in future fiscal years; 40643

(d) Any other rules necessary to implement the provisions 40644
of this section. 40645

Sec. 3317.08. A board of education may admit to its 40646
schools a child it is not required by section 3313.64 or 3313.65 40647
of the Revised Code to admit, if tuition is paid for the child. 40648

Unless otherwise provided by law, tuition shall be 40649
computed in accordance with this section. A district's tuition 40650
charge for a school year shall be one of the following: 40651

(A) For any child, except a preschool child with a 40652
disability described in division (B) of this section, the 40653
quotient obtained by dividing the sum of the amounts described 40654
in divisions (A)(1) and (2) of this section by the district's 40655
formula ADM. 40656

(1) The district's total taxes charged and payable for 40657
current expenses for the tax year preceding the tax year in 40658
which the school year begins as certified under division (A) (3) 40659
of section 3317.021 of the Revised Code. 40660

(2) The district's total taxes collected for current 40661
expenses under a school district income tax adopted pursuant to 40662
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 40663
are disbursed to the district during the fiscal year, excluding 40664
any income tax receipts allocated for the project cost, debt 40665
service, or maintenance set-aside associated with a state- 40666
assisted classroom facilities project as authorized by section 40667
3318.052 of the Revised Code. On or before the first day of June 40668
of each year, the tax commissioner shall certify the amount to 40669
be used in the calculation under this division for the next 40670
fiscal year to the department of education and workforce and the 40671
office of budget and management for each city, local, and 40672
exempted village school district that levies a school district 40673
income tax. 40674

(B) For any preschool child with a disability, an amount 40675
computed for the school year as follows: 40676

(1) For each type of special education service provided to 40677
the child for whom tuition is being calculated, determine the 40678
amount of the district's operating expenses in providing that 40679
type of service to all preschool children with disabilities; 40680

(2) For each type of special education service for which 40681
operating expenses are determined under division (B) (1) of this 40682
section, determine the amount of such operating expenses that 40683
was paid from any state funds received under this chapter; 40684

(3) For each type of special education service for which 40685

operating expenses are determined under division (B) (1) of this 40686
section, divide the difference between the amount determined 40687
under division (B) (1) of this section and the amount determined 40688
under division (B) (2) of this section by the total number of 40689
preschool children with disabilities who received that type of 40690
service; 40691

(4) Determine the sum of the quotients obtained under 40692
division (B) (3) of this section for all types of special 40693
education services provided to the child for whom tuition is 40694
being calculated. 40695

The ~~state board of education department~~ shall adopt rules 40696
defining the types of special education services and specifying 40697
the operating expenses to be used in the computation under this 40698
section. 40699

If any child for whom a tuition charge is computed under 40700
this section for any school year is enrolled in a district for 40701
only part of that school year, the amount of the district's 40702
tuition charge for the child for the school year shall be 40703
computed in proportion to the number of school days the child is 40704
enrolled in the district during the school year. 40705

Except as otherwise provided in division (J) of section 40706
3313.64 of the Revised Code, whenever a district admits a child 40707
to its schools for whom tuition computed in accordance with this 40708
section is an obligation of another school district, the amount 40709
of the tuition shall be certified by the treasurer of the board 40710
of education of the district of attendance, to the board of 40711
education of the district required to pay tuition for its 40712
approval and payment. If agreement as to the amount payable or 40713
the district required to pay the tuition cannot be reached, or 40714
the board of education of the district required to pay the 40715

tuition refuses to pay that amount, the board of education of 40716
the district of attendance shall notify the ~~superintendent of~~ 40717
~~public instruction department~~. The ~~superintendent department~~ 40718
shall determine the correct amount and the district required to 40719
pay the tuition and shall deduct that amount, if any, under 40720
division (D) of section 3317.023 of the Revised Code, from the 40721
district required to pay the tuition and add that amount to the 40722
amount allocated to the district attended under such division. 40723
The ~~superintendent of public instruction department~~ shall send 40724
to the district required to pay the tuition an itemized 40725
statement showing such deductions at the time of such deduction. 40726

When a political subdivision owns and operates an airport, 40727
welfare, or correctional institution or other project or 40728
facility outside its corporate limits, the territory within 40729
which the facility is located is exempt from taxation by the 40730
school district within which such territory is located, and 40731
there are school age children residing within such territory, 40732
the political subdivision owning such tax exempt territory shall 40733
pay tuition to the district in which such children attend 40734
school. The tuition for these children shall be computed as 40735
provided for in this section. 40736

Sec. 3317.081. (A) Tuition shall be computed in accordance 40737
with this section if: 40738

(1) The tuition is required by division (C) (3) (b) of 40739
section 3313.64 of the Revised Code; or 40740

(2) Neither the child nor the child's parent resides in 40741
this state and tuition is required by section 3327.06 of the 40742
Revised Code. 40743

(B) Tuition computed in accordance with this section shall 40744

equal the attendance district's tuition rate computed under 40745
section 3317.08 of the Revised Code plus the amount in state 40746
education aid, as defined in section 3317.02 of the Revised 40747
Code, that district would have received for the child during the 40748
school year had the department of education and workforce 40749
counted the child in the attendance district's formula ADM for 40750
that school year under section 3317.03 of the Revised Code. 40751

Sec. 3317.082. As used in this section, "institution" 40752
means a residential facility that receives and cares for 40753
children maintained by the department of youth services and that 40754
operates a school chartered ~~by the state board of education~~ 40755
under section 3301.16 of the Revised Code. 40756

(A) On or before the thirty-first day of each January and 40757
July, the superintendent of each institution that during the 40758
six-month period immediately preceding each January or July 40759
provided an elementary or secondary education for any child, 40760
other than a child receiving special education under section 40761
3323.091 of the Revised Code, shall prepare and submit to the 40762
department of education and workforce, a statement for each such 40763
child indicating the child's name, any school district 40764
responsible to pay tuition for the child as determined by the 40765
superintendent in accordance with division (C) (2) or (3) of 40766
section 3313.64 of the Revised Code, and the period of time 40767
during that six-month period that the child received an 40768
elementary or secondary education. If any school district is 40769
responsible to pay tuition for any such child, the department ~~of~~ 40770
~~education, no~~ not later than the immediately succeeding last day 40771
of February or August, as applicable, shall calculate the amount 40772
of the tuition of the district under section 3317.08 of the 40773
Revised Code for the period of time indicated on the statement 40774
and do one of the following: 40775

(1) If the tuition amount is equal to or less than the 40776
district's state education aid, pay to the institution 40777
submitting the statement an amount equal to the tuition amount, 40778
as provided under division (G) of section 3317.024 of the 40779
Revised Code, and deduct the tuition amount from the state basic 40780
aid funds payable to the district, as provided under division 40781
(C) (2) of section 3317.023 of the Revised Code; 40782

(2) If the tuition amount is greater than the district's 40783
state education aid, require the district to pay to the 40784
institution submitting the statement an amount equal to the 40785
tuition amount. 40786

(B) In the case of any disagreement about the school 40787
district responsible to pay tuition for a child pursuant to this 40788
section, the ~~superintendent of public instruction~~ director of 40789
education and workforce shall make the determination in any such 40790
case in accordance with division (C) (2) or (3) of section 40791
3313.64 of the Revised Code. 40792

Sec. 3317.09. All moneys distributed to a school district, 40793
including any cooperative education or joint vocational school 40794
district and all moneys distributed to any educational service 40795
center, by the state whether from a state or federal source, 40796
shall be accounted for by the division of school finance of the 40797
department of education and workforce. All moneys distributed 40798
shall be coded as to county, school district or educational 40799
service center, source, and other pertinent information, and at 40800
the end of each month, a report of such distribution shall be 40801
made by such division of school finance to each school district 40802
and educational service center. If any board of education fails 40803
to make the report required in section 3319.33 of the Revised 40804
Code, the ~~superintendent of public instruction~~ department shall 40805

be without authority to distribute funds to that school district 40806
or educational service center under this chapter until such time 40807
as the required reports are filed with all specified officers, 40808
boards, or agencies. 40809

Sec. 3317.10. (A) On or before the first day of March of 40810
each year, the department of job and family services shall 40811
certify to the ~~state board~~ department of education and workforce 40812
the unduplicated number of children ages five through seventeen 40813
residing in each school district and living in a family that, 40814
during the preceding October, participated in Ohio works first. 40815

The department of job and family services shall certify 40816
this information according to the school district of residence 40817
for each child. 40818

(B) Upon the transfer of part of the territory of one 40819
school district to the territory of one or more other school 40820
districts, the department of education and workforce may adjust 40821
the number of children certified under division (A) of this 40822
section for any district gaining or losing territory in such a 40823
transfer in order to take into account the effect of the 40824
transfer on the number of such children who reside in the 40825
district. Within sixty days of receipt of a request for 40826
information from the department of education and workforce, the 40827
department of job and family services shall provide any 40828
information the department of education and workforce determines 40829
is necessary to make such adjustments. 40830

Sec. 3317.11. (A) As used in this section: 40831

(1) For fiscal years 2022 and 2023, "base amount" is equal 40832
to \$356,250. 40833

(2) For fiscal years 2022 and 2023, "funding base" means 40834

an amount calculated by the department of education and 40835
workforce that is equal to the amount an educational service 40836
center would have received under Section 265.360 of H.B. 166 of 40837
the 133rd general assembly for fiscal year 2020 using the 40838
student counts of the school districts with which the service 40839
center has service agreements for the fiscal year for which 40840
payments under this section are being made. 40841

(3) For fiscal years 2022 and 2023, "general phase-in 40842
percentage" for an educational service center means the "general 40843
phase-in percentage" for school districts as defined in section 40844
3317.02 of the Revised Code. 40845

(4) For fiscal years 2022 and 2023, "student count" means 40846
the count calculated under division (G) (1) of section 3313.843 40847
of the Revised Code. 40848

(B) (1) For fiscal years 2022 and 2023, the department of 40849
education and workforce shall pay the governing board of each 40850
educational service center an amount equal to the following: 40851

The educational service center's funding base + [(the amount 40852
calculated for the educational service center for that fiscal 40853
year under division (C) of this section - the educational 40854
service center's funding base) X the educational service 40855
center's general phase-in percentage for that fiscal year] 40856

(2) For fiscal year 2024 and each fiscal year thereafter, 40857
the department shall pay the governing board of each educational 40858
service center an amount calculated in a manner determined by 40859
the general assembly. 40860

(C) For fiscal years 2022 and 2023, the department shall 40861
calculate an amount for each educational service center as 40862
follows: 40863

(1) If the educational service center has a student count 40864
of 5,000 students or less, the base amount. 40865

(2) If the educational service center has a student count 40866
greater than 5,000 students but less than or equal to 35,000 40867
students, the following sum: 40868

The base amount + [(the educational service center's student 40869
count - 5,000) X \$24.72] 40870

(3) If the educational service center has a student count 40871
greater than 35,000 students, the following sum: 40872

The base amount + (30,000 X \$24.72) + [(the educational service 40873
center's student count - 35,000) X \$30.90] 40874

Sec. 3317.12. Any board of education participating in 40875
funds distributed under Chapter 3317. of the Revised Code shall 40876
annually adopt a salary schedule for nonteaching school 40877
employees based upon training, experience, and qualifications 40878
with initial salaries no less than the salaries in effect on 40879
October 13, 1967. Each board of education shall prepare and may 40880
amend from time to time, specifications descriptive of duties, 40881
responsibilities, requirements, and desirable qualifications of 40882
the classifications of employees required to perform the duties 40883
specified in the salary schedule. All nonteaching school 40884
employees are to be notified of the position classification to 40885
which they are assigned and the salary for the classification. 40886
The compensation of all employees working for a particular 40887
school board shall be uniform for like positions except as 40888
compensation would be affected by salary increments based upon 40889
length of service. 40890

On the fifteenth day of October each year the salary 40891
schedule and the list of job classifications and salaries in 40892

effect on that date shall be filed by each board of education 40893
with the ~~superintendent of public instruction~~department of 40894
education and workforce. If such salary schedule and 40895
classification plan is not filed the ~~superintendent of public~~ 40896
~~instruction~~department shall order the board to file such 40897
schedules forthwith. If this condition is not corrected within 40898
ten days after receipt of the order from the ~~superintendent of~~ 40899
~~public instruction~~department, no money shall be distributed to 40900
the district under Chapter 3317. of the Revised Code until the 40901
~~superintendent~~department has satisfactory evidence of the board 40902
of education's full compliance with such order. 40903

Sec. 3317.13. (A) As used in this section and section 40904
3317.14 of the Revised Code: 40905

(1) "Years of service" includes the following: 40906

(a) All years of teaching service in the same school 40907
district or educational service center, regardless of training 40908
level, with each year consisting of at least one hundred twenty 40909
days under a teacher's contract; 40910

(b) All years of teaching service in a chartered, 40911
nonpublic school located in Ohio as a teacher licensed pursuant 40912
to section 3319.22 of the Revised Code or in another public 40913
school, regardless of training level, with each year consisting 40914
of at least one hundred twenty days under a teacher's contract; 40915

(c) All years of teaching service in a chartered school or 40916
institution or a school or institution that subsequently became 40917
chartered or a chartered special education program or a special 40918
education program that subsequently became chartered operated by 40919
the state or by a subdivision or other local governmental unit 40920
of this state as a teacher licensed pursuant to section 3319.22 40921

of the Revised Code, regardless of training level, with each 40922
year consisting of at least one hundred twenty days; and 40923

(d) All years of active military service in the armed 40924
forces of the United States, as defined in section 3307.75 of 40925
the Revised Code, to a maximum of five years. For purposes of 40926
this calculation, a partial year of active military service of 40927
eight continuous months or more in the armed forces shall be 40928
counted as a full year. 40929

(2) "Teacher" means all teachers employed by the board of 40930
education of any school district, including any cooperative 40931
education or joint vocational school district and all teachers 40932
employed by any educational service center governing board. 40933

(B) No teacher shall be paid a salary less than that 40934
provided in the schedule set forth in division (C) of this 40935
section. In calculating the minimum salary any teacher shall be 40936
paid pursuant to this section, years of service shall include 40937
the sum of all years of the teacher's teaching service included 40938
in divisions (A)(1)(a), (b), (c), and (d) of this section; 40939
except that any school district or educational service center 40940
employing a teacher new to the district or educational service 40941
center shall grant such teacher a total of not more than ten 40942
years of service pursuant to divisions (A)(1)(b), (c), and (d) 40943
of this section. 40944

Upon written complaint to the ~~superintendent of public~~ 40945
~~instruction~~ director of education and workforce that the board 40946
of education of a district or the governing board of an 40947
educational service center governing board has failed or refused 40948
to annually adopt a salary schedule or to pay salaries in 40949
accordance with the salary schedule set forth in division (C) of 40950
this section, the ~~superintendent of public instruction~~ director 40951

shall cause to be made an immediate investigation of such 40952
 complaint. If the ~~superintendent~~ director finds that the 40953
 conditions complained of exist, the ~~superintendent~~ director 40954
 shall order the board to correct such conditions within ten days 40955
 from the date of the finding. No moneys shall be distributed to 40956
 the district or educational service center under this chapter 40957
 until the ~~superintendent~~ director has satisfactory evidence of 40958
 the board of education's full compliance with such order. 40959

Each teacher shall be fully credited with placement in the 40960
 appropriate academic training level column in the district's or 40961
 educational service center's salary schedule with years of 40962
 service properly credited pursuant to this section or section 40963
 3317.14 of the Revised Code. No rule shall be adopted or 40964
 exercised by any board of education or educational service 40965
 center governing board which restricts the placement or the 40966
 crediting of annual salary increments for any teacher according 40967
 to the appropriate academic training level column. 40968

(C) Minimum salaries exclusive of retirement and sick 40969
 leave for teachers shall be as follows: 40970

	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

40971

40972

	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	

40973

	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

40974

is of the base amount. 40975

For purposes of determining the minimum salary at any 40976
level of training and service, the base of one hundred per cent 40977
shall be the base amount. The percentages used in this section 40978
show the relationships between the minimum salaries required by 40979
this section and the base amount and shall not be construed as 40980
requiring any school district or educational service center to 40981
adopt a schedule containing salaries in excess of the amounts 40982
set forth in this section for corresponding levels of training 40983
and experience. 40984

As used in this division: 40985

(1) "Base amount" means thirty thousand dollars. 40986

(2) "Five years of training" means at least one hundred 40987
fifty semester hours, or the equivalent, and a bachelor's degree 40988
from a recognized college or university. 40989

(D) For purposes of this section, all credited training 40990
shall be from a recognized college or university. 40991

Sec. 3317.14. Any school district board of education or 40992
educational service center governing board participating in 40993
funds distributed under Chapter 3317. of the Revised Code shall 40994
annually adopt a teachers' salary schedule with provision for 40995
increments based upon training and years of service. 40996
Notwithstanding sections 3317.13 and 3319.088 of the Revised 40997
Code, the board may establish its own service requirements and 40998
may grant service credit for such activities as teaching in 40999
public or nonpublic schools in this state or in another state, 41000
for service as an educational assistant other than as a 41001
classroom aide employed in accordance with section 5107.541 of 41002
the Revised Code, and for service in the military or in an 41003

appropriate state or federal governmental agency, provided no 41004
teacher receives less than the amount required to be paid 41005
pursuant to section 3317.13 of the Revised Code and provided 41006
full credit for a minimum of five years of actual teaching and 41007
military experience as defined in division (A) of section 41008
3317.13 of the Revised Code is given to each teacher. 41009

Each teacher who has completed training which would 41010
qualify such teacher for a higher salary bracket pursuant to 41011
this section shall file by the fifteenth day of September with 41012
the treasurer of the board of education or educational service 41013
center satisfactory evidence of the completion of such 41014
additional training. The treasurer shall then immediately place 41015
the teacher, pursuant to this section and section 3317.13 of the 41016
Revised Code, in the proper salary bracket in accordance with 41017
training and years of service before certifying such salary, 41018
training, and years of service to the ~~superintendent of public~~ 41019
~~instruction~~department of education and workforce. No teacher 41020
shall be paid less than the salary to which such teacher is 41021
entitled pursuant to section 3317.13 of the Revised Code. 41022

Sec. 3317.141. The board of education of any city, 41023
exempted village, local, or joint vocational school district 41024
that is the recipient of moneys from a grant awarded under the 41025
federal race to the top program, Division (A), Title XIV, 41026
Sections 14005 and 14006 of the "American Recovery and 41027
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 41028
shall comply with this section in accordance with the timeline 41029
contained in the board's scope of work, as approved by the 41030
~~superintendent of public instruction~~director of education and 41031
workforce, and shall not be subject to sections 3317.13 and 41032
3317.14 of the Revised Code. The board of education of any other 41033
school district, and the governing board of each educational 41034

service center, shall comply with either this section or 41035
sections 3317.13 and 3317.14 of the Revised Code. 41036

(A) The board annually shall adopt a salary schedule for 41037
teachers based upon performance as described in division (B) of 41038
this section. 41039

(B) For purposes of the schedule, a board shall measure a 41040
teacher's performance by considering all of the following: 41041

(1) The level of license issued under section 3319.22 of 41042
the Revised Code that the teacher holds; 41043

(2) Whether the teacher is a properly certified or 41044
licensed teacher, as defined in section 3319.074 of the Revised 41045
Code; 41046

(3) Ratings received by the teacher on performance 41047
evaluations conducted under section 3319.111 of the Revised 41048
Code. 41049

(C) The schedule shall provide for annual adjustments 41050
based on performance on the evaluations conducted under section 41051
3319.111 of the Revised Code. The annual performance-based 41052
adjustment for a teacher rated as accomplished shall be greater 41053
than the annual performance-based adjustment for a teacher rated 41054
as skilled. 41055

(D) The salary schedule adopted under this section may 41056
provide for additional compensation for teachers who agree to 41057
perform duties, not contracted for under a supplemental 41058
contract, that the employing board determines warrant additional 41059
compensation. Those duties may include, but are not limited to, 41060
assignment to a school building eligible for funding under Title 41061
I of the "Elementary and Secondary Education Act of 1965," 20 41062
U.S.C. 6301 et seq.; assignment to a building in "school 41063

improvement" status under the "No Child Left Behind Act of 41064
2001," as defined in section 3302.01 of the Revised Code; 41065
teaching in a grade level or subject area in which the board has 41066
determined there is a shortage within the district or service 41067
center; or assignment to a hard-to-staff school, as determined 41068
by the board. 41069

Sec. 3317.15. (A) As used in this section, "child with a 41070
disability" has the same meaning as in section 3323.01 of the 41071
Revised Code. 41072

(B) Each city, exempted village, local, and joint 41073
vocational school district shall continue to comply with all 41074
requirements of federal statutes and regulations, the Revised 41075
Code, and rules adopted by the ~~state board~~ department of 41076
education and workforce governing education of children with 41077
disabilities, including, but not limited to, requirements that 41078
children with disabilities be served by appropriately licensed 41079
or certificated education personnel. 41080

(C) Each city, exempted village, local, and joint 41081
vocational school district shall consult with the educational 41082
service center serving the county in which the school district 41083
is located and, if it elects to participate pursuant to section 41084
5126.04 of the Revised Code, the county board of developmental 41085
disabilities of that county, in providing services that serve 41086
the best interests of children with disabilities. 41087

(D) Each school district shall annually provide 41088
documentation to the ~~department of education~~ that it employs the 41089
appropriate number of licensed or certificated personnel to 41090
serve the district's students with disabilities. 41091

(E) The department annually shall audit a sample of school 41092

districts to ensure that children with disabilities are being 41093
appropriately reported. 41094

(F) Each school district shall provide speech-language 41095
pathology services at a ratio of one speech-language pathologist 41096
per two thousand students receiving any educational services 41097
from the district other than adult education. Each district 41098
shall provide school psychological services at a ratio of one 41099
school psychologist per two thousand five hundred students 41100
receiving any educational services from the district other than 41101
adult education. A district may obtain the services of speech- 41102
language pathologists and school psychologists by any means 41103
permitted by law, including contracting with an educational 41104
service center. If, however, a district is unable to obtain the 41105
services of the required number of speech-language pathologists 41106
or school psychologists, the district may request from the 41107
~~superintendent of public instruction~~department, and the 41108
~~superintendent~~ department may grant, a waiver of this provision 41109
for a period of time established by the 41110
~~superintendent~~ department. 41111

Sec. 3317.16. The department of education and workforce 41112
shall compute and distribute state core foundation funding to 41113
each funding unit that is a joint vocational school district for 41114
the fiscal year as follows: 41115

For fiscal years 2022 and 2023: 41116

The district's funding base + [(the district's state core 41117
foundation funding components for that fiscal year calculated 41118
under divisions (A) (1), (2), (4), (5), and (6) of this section - 41119
the district's general funding base) X the district's general 41120
phase-in percentage for that fiscal year] + [(the district's 41121
disadvantaged pupil impact aid for that fiscal year calculated 41122

under division (A) (3) of this section - the district's 41123
disadvantaged pupil impact aid funding base) X the district's 41124
phase-in percentage for disadvantaged pupil impact aid for that 41125
fiscal year] 41126

For fiscal year 2024 and each fiscal year thereafter, the 41127
sum of the district's state core foundation funding components 41128
for that fiscal year calculated under divisions (A) (1), (2), 41129
(3), (4), (5), and (6) of this section. 41130

(A) A district's state core foundation funding components 41131
shall be all of the following: 41132

(1) The district's state share of the base cost, which is 41133
equal to the following: 41134

(a) For fiscal years 2022 and 2023, an amount calculated 41135
according to the following formula: 41136

(The district's base cost calculated under section 3317.012 of 41137
the Revised Code) - (0.0005 X the lesser of the district's 41138
three-year average valuation or the district's most recent 41139
valuation) 41140

However, no district shall receive an amount under 41141
division (A) (1) of this section that is less than 0.05 times the 41142
base cost calculated for the district under section 3317.012 of 41143
the Revised Code. 41144

(b) For fiscal year 2024 and each fiscal year thereafter, 41145
an amount calculated in a manner determined by the general 41146
assembly. 41147

(2) Additional state aid for special education and related 41148
services provided under Chapter 3323. of the Revised Code 41149
calculated as follows: 41150

- (a) For fiscal years 2022 and 2023, the sum of the 41151
following: 41152
- (i) The district's category one special education ADM X 41153
the multiple specified in division (A) of section 3317.013 of 41154
the Revised Code X the statewide average base cost per pupil for 41155
that fiscal year X the district's state share percentage; 41156
- (ii) The district's category two special education ADM X 41157
the multiple specified in division (B) of section 3317.013 of 41158
the Revised Code X the statewide average base cost per pupil for 41159
that fiscal year X the district's state share percentage; 41160
- (iii) The district's category three special education ADM 41161
X the multiple specified in division (C) of section 3317.013 of 41162
the Revised Code X the statewide average base cost per pupil for 41163
that fiscal year X the district's state share percentage; 41164
- (iv) The district's category four special education ADM X 41165
the multiple specified in division (D) of section 3317.013 of 41166
the Revised Code X the statewide average base cost per pupil for 41167
that fiscal year X the district's state share percentage; 41168
- (v) The district's category five special education ADM X 41169
the multiple specified in division (E) of section 3317.013 of 41170
the Revised Code X the statewide average base cost per pupil for 41171
that fiscal year X the district's state share percentage; 41172
- (vi) The district's category six special education ADM X 41173
the multiple specified in division (F) of section 3317.013 of 41174
the Revised Code X the statewide average base cost per pupil for 41175
that fiscal year X the district's state share percentage. 41176
- (b) For fiscal year 2024 and each fiscal year thereafter, 41177
the sum of the following: 41178

(i) An amount calculated in a manner determined by the 41179
general assembly times the funding unit's category one special 41180
education ADM; 41181

(ii) An amount calculated in a manner determined by the 41182
general assembly times the funding unit's category two special 41183
education ADM; 41184

(iii) An amount calculated in a manner determined by the 41185
general assembly times the funding unit's category three special 41186
education ADM; 41187

(iv) An amount calculated in a manner determined by the 41188
general assembly times the funding unit's category four special 41189
education ADM; 41190

(v) An amount calculated in a manner determined by the 41191
general assembly times the funding unit's category five special 41192
education ADM; 41193

(vi) An amount calculated in a manner determined by the 41194
general assembly times the funding unit's category six special 41195
education ADM. 41196

(3) Disadvantaged pupil impact aid calculated as follows: 41197

(a) For fiscal years 2022 and 2023, an amount calculated 41198
according to the following formula: 41199

\$422 X the district's economically disadvantaged index X the 41200
number of students who are economically disadvantaged as 41201
certified under division (D) (2) (p) of section 3317.03 of the 41202
Revised Code 41203

(b) For fiscal year 2024 and each fiscal year thereafter, 41204
an amount calculated in a manner determined by the general 41205
assembly. 41206

(4) English learner funds calculated as follows:	41207
(a) For fiscal years 2022 and 2023, the sum of the following:	41208 41209
(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;	41210 41211 41212 41213
(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;	41214 41215 41216 41217
(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.	41218 41219 41220 41221
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	41222 41223
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	41224 41225 41226
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	41227 41228 41229
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	41230 41231 41232
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	41233 41234

(6) Career-technical education associated services funds 41235
calculated under division (D) of section 3317.014 of the Revised 41236
Code. 41237

(B)(1) If a joint vocational school district's costs for a 41238
fiscal year for a student in its categories two through six 41239
special education ADM exceed the threshold catastrophic cost for 41240
serving the student, as specified in division (B) of section 41241
3317.0214 of the Revised Code, the district may submit to the 41242
~~superintendent of public instruction department~~ documentation, 41243
as prescribed by the ~~superintendent~~ department, of all of its 41244
costs for that student. Upon submission of documentation for a 41245
student of the type and in the manner prescribed, the department 41246
shall pay to the district an amount equal to the sum of the 41247
following: 41248

(a) One-half of the district's costs for the student in 41249
excess of the threshold catastrophic cost; 41250

(b) The product of one-half of the district's costs for 41251
the student in excess of the threshold catastrophic cost 41252
multiplied by the district's state share percentage. 41253

(2) The district shall report under division (B)(1) of 41254
this section, and the department shall pay for, only the costs 41255
of educational expenses and the related services provided to the 41256
student in accordance with the student's individualized 41257
education program. Any legal fees, court costs, or other costs 41258
associated with any cause of action relating to the student may 41259
not be included in the amount. 41260

(C)(1) For each student with a disability receiving 41261
special education and related services under an individualized 41262
education program, as defined in section 3323.01 of the Revised 41263

Code, at a joint vocational school district, the resident 41264
district or, if the student is enrolled in a community school, 41265
the community school shall be responsible for the amount of any 41266
costs of providing those special education and related services 41267
to that student that exceed the sum of the amount calculated for 41268
those services attributable to that student under division (A) 41269
of this section. 41270

Those excess costs shall be calculated using a formula 41271
approved by the department. 41272

(2) The board of education of the joint vocational school 41273
district may report the excess costs calculated under division 41274
(C) (1) of this section to the department ~~of education~~. 41275

(3) If the board of education of the joint vocational 41276
school district reports excess costs under division (C) (2) of 41277
this section, the department shall pay the amount of excess cost 41278
calculated under division (C) (2) of this section to the joint 41279
vocational school district and shall deduct that amount as 41280
provided in division (C) (3) (a) or (b) of this section, as 41281
applicable: 41282

(a) If the student is not enrolled in a community school, 41283
the department shall deduct the amount from the account of the 41284
student's resident district pursuant to division (J) of section 41285
3317.023 of the Revised Code. 41286

(b) If the student is enrolled in a community school, the 41287
department shall deduct the amount from the account of the 41288
community school pursuant to section 3314.083 of the Revised 41289
Code. 41290

(D) A joint vocational school district shall spend the 41291
funds it receives under division (A) (3) of this section in 41292

accordance with section 3317.25 of the Revised Code. 41293

(E) For fiscal years 2022 and 2023, a school district 41294
shall spend the funds it receives under division (A) (4) of this 41295
section only for services for English learners. 41296

(F) As used in this section: 41297

(1) "Community school" means a community school 41298
established under Chapter 3314. of the Revised Code. 41299

(2) "Resident district" means the city, local, or exempted 41300
village school district in which a student is entitled to attend 41301
school under section 3313.64 or 3313.65 of the Revised Code. 41302

Sec. 3317.161. (A) As used in this section, "lead 41303
district" has the same meaning as in section 3317.023 of the 41304
Revised Code. 41305

(B) (1) A career-technical education program of a city, 41306
local, or exempted village school district, community school, or 41307
STEM school shall be subject to approval under this section in 41308
order for the district or school to qualify for state funding 41309
for the program. Approval granted under this section shall be 41310
valid for the five fiscal years following the fiscal year in 41311
which the program is approved and may be renewed. Approval shall 41312
be subject to annual review under division (E) of this section. 41313

(2) If a district or school becomes a new member of a 41314
career-technical planning district, its career-technical 41315
education programs shall be approved or disapproved by the lead 41316
district of the career-technical planning district during the 41317
fiscal year in which the district or school becomes a member of 41318
the career-technical planning district. Any program of the 41319
district or school that was approved by the department of 41320
education and workforce for an approval period that includes the 41321

fiscal year in which the district or school becomes a new member 41322
of the career-technical planning district shall retain its 41323
approved status during that fiscal year. 41324

(3) If an existing member of a career-technical planning 41325
district develops a new career-technical education program, that 41326
program shall be approved or disapproved by the lead district of 41327
the career-technical planning district prior to the first fiscal 41328
year for which the district or school is seeking funding for the 41329
program. 41330

(4) Except as provided in division (B) (2) of this section, 41331
if a career-technical education program was approved by the 41332
department prior to September 29, 2013, that approval remains 41333
valid for the unexpired remainder of the approval period 41334
specified by the department. Approval of that program may then 41335
be renewed in accordance with this section on a date prior to 41336
the expiration of the approval period. 41337

(C) (1) The lead district of a career-technical planning 41338
district shall approve or disapprove for a five-year period each 41339
career-technical education program of the city, local, and 41340
exempted village school districts, community schools, and STEM 41341
schools that are assigned by the department to the career- 41342
technical planning district. The lead district's decision to 41343
approve or disapprove a program shall be based on requirements 41344
for career-technical education programs that are specified in 41345
rules adopted by the department. These requirements shall 41346
include, but are not limited to, all of the following: 41347

(a) Demand for the career-technical education program by 41348
industries in the state; 41349

(b) Quality of the program; 41350

- (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; 41351
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- (d) Admission requirements of the lead district; 41354
- (e) Past performance of the district or school that is offering the program; 41355
41356
- (f) Traveling distance; 41357
- (g) Sustainability; 41358
- (h) Capacity; 41359
- (i) Availability of the program within the career-technical planning district; 41360
41361
- (j) In the case of a new program, the cost to begin the program. 41362
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- (2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision. 41364
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- If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March. 41371
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- (D) (1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education 41376
41377

program, the department shall review the lead district's 41378
decision and determine whether to approve or disapprove the 41379
program not later than the fifteenth day of May prior to the 41380
first fiscal year for which the district or school is seeking 41381
funding for the program. The department shall notify the 41382
district or school and the lead district of the district's or 41383
school's career-technical planning district of its 41384
determination. 41385

(2) Upon receiving an appeal from a district or school of 41386
a lead district's disapproval of a career-technical education 41387
program or failure to take action to approve or disapprove the 41388
program, the department shall review the lead district's 41389
disapproval or failure to take action. The department shall 41390
decide whether to approve or disapprove the program as a result 41391
of this review not later than the fifteenth day of May prior to 41392
the first fiscal year for which the district or school is 41393
seeking funding for the program. The department shall notify the 41394
lead district and the appealing district or school of its 41395
determination. 41396

(3) In conducting a review under division (D) (1) or (2) of 41397
this section, the department shall consider the criteria 41398
prescribed under division (C) (1) of this section. 41399

(4) If the department approves a program under division 41400
(D) (1) or (2) of this section, it shall authorize the payment to 41401
the district or school of the funds attributed to the career- 41402
technical students enrolled in that program in the next fiscal 41403
year according to a payment schedule prescribed by the 41404
department. 41405

(5) The department's decisions under divisions (D) (1) and 41406
(2) of this section shall be final and not appealable. 41407

(6) The ~~superintendent of public instruction~~ director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the department of education and workforce shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for

the fiscal year immediately preceding that fiscal year, the 41437
department shall establish the district's funding base, as that 41438
term is defined in section 3317.02 of the Revised Code, as an 41439
amount equal to the absolute value of the sum of the associated 41440
adjustments of any local school district's funding base under 41441
division (C) of section 3317.019 of the Revised Code. 41442

Sec. 3317.164. (A) As used in this section, "JobsOhio" has 41443
the same meaning as in section 187.01 of the Revised Code. 41444

(B) The governor's office of workforce transformation, in 41445
collaboration with the department of education and workforce, 41446
the chancellor of higher education, and JobsOhio, shall create a 41447
program that establishes financial incentives for Ohio 41448
businesses to provide work-based learning experiences for 41449
students enrolled in a career-technical education program 41450
approved under section 3317.161 of the Revised Code. 41451

(C) To qualify for the financial incentives of the program 41452
created under this section, a business's work-based learning 41453
experiences shall align with the framework developed by the 41454
department under division (J) (3) of section 3313.603 of the 41455
Revised Code and with the applicable minor labor laws under 41456
section 4109.02 of the Revised Code. 41457

Sec. 3317.18. (A) As used in this section, the terms 41458
"Chapter 133. securities," "credit enhancement facilities," 41459
"debt charges," "general obligation," "legislation," "public 41460
obligations," and "securities" have the same meanings as in 41461
section 133.01 of the Revised Code. 41462

(B) The board of education of any school district 41463
authorizing the issuance of securities under section 133.10 or 41464
3313.372 of the Revised Code or general obligation Chapter 133. 41465

securities may adopt legislation requesting the ~~state~~ department 41466
of education and workforce to approve, and enter into an 41467
agreement with the school district and the primary paying agent 41468
or fiscal agent for such securities providing for, the 41469
withholding and deposit of funds, otherwise due the district 41470
under Chapter 3317. of the Revised Code, for the payment of debt 41471
service charges on such securities. 41472

The board of education shall deliver to the state 41473
department a copy of such resolution and any additional 41474
pertinent information the ~~state~~ department may require. 41475

The department ~~of education~~ and the office of budget and 41476
management shall evaluate each request received from a school 41477
district under this section and the department, with the advice 41478
and consent of the director of budget and management, shall 41479
approve or deny each request based on all of the following: 41480

(1) Whether approval of the request will enhance the 41481
marketability of the securities for which the request is made; 41482

(2) Any other pertinent factors or limitations established 41483
in rules made under division (I) of this section, including: 41484

(a) Current and projected obligations of funds due to the 41485
requesting school district under Chapter 3317. of the Revised 41486
Code including obligations of those funds to public obligations 41487
or relevant credit enhancement facilities under this section, 41488
Chapter 133. and section 3313.483 of the Revised Code, and under 41489
any other similar provisions of law; 41490

(b) Whether the department of education and workforce or 41491
the office of budget and management has any reason to believe 41492
the requesting school district will be unable to pay when due 41493
the debt charges on the securities for which the request is 41494

made. 41495

The department may require a school district to establish 41496
schedules for the payment of all debt charges that take into 41497
account the amount and timing of anticipated distributions of 41498
funds to the district under Chapter 3317. of the Revised Code. 41499

(C) If the department approves the request of a school 41500
district to withhold and deposit funds pursuant to this section, 41501
the department shall enter into a written agreement with the 41502
district and the primary paying agent or fiscal agent for the 41503
securities which shall provide for the withholding of funds 41504
pursuant to this section for the payment of debt charges on 41505
those securities, and may include both of the following: 41506

(1) Provisions for certification by the district to the 41507
department, at a time prior to any date for the payment of 41508
applicable debt charges, whether the district is able to pay 41509
those debt charges when due; 41510

(2) Requirements that the district deposit amounts for the 41511
payment of debt charges on the securities with the primary 41512
paying agent or fiscal agent for the securities prior to the 41513
date on which those debt charge payments are due to the owners 41514
or holders of the securities. 41515

(D) Whenever a district notifies the department ~~of~~ 41516
~~education~~ that it will be unable to pay debt charges when they 41517
are due, subject to the withholding provisions of this section, 41518
or whenever the applicable paying agent or fiscal agent notifies 41519
the department that it has not timely received from a school 41520
district the full amount needed for the payment when due of 41521
those debt charges to the holders or owners of such securities, 41522
the department shall immediately contact the school district and 41523

the paying agent or fiscal agent to confirm or determine whether 41524
the district is unable to make the required payment by the date 41525
on which it is due. 41526

Upon demand of the treasurer of state while holding a 41527
school district obligation purchased under division (G) (1) of 41528
section 135.143 of the Revised Code, the ~~state department of~~ 41529
~~education~~, without a request of the school district, shall 41530
withhold and deposit funds pursuant to this section for payment 41531
of debt service charges on that obligation. 41532

If the department confirms or determines that the district 41533
will be unable to make such payment and payment will not be made 41534
pursuant to a credit enhancement facility, the department shall 41535
promptly pay to the applicable primary paying agent or fiscal 41536
agent the lesser of the amount due for debt charges or the 41537
amount due the district for the remainder of the fiscal year 41538
under Chapter 3317. of the Revised Code. If this amount is 41539
insufficient to pay the total amount then due the agent for the 41540
payment of debt charges, the department shall pay to the agent 41541
each fiscal year thereafter, and until the full amount due the 41542
agent for unpaid debt charges is paid in full, the lesser of the 41543
remaining amount due the agent for debt charges or the amount 41544
due the district for the fiscal year under Chapter 3317. of the 41545
Revised Code. 41546

(E) The ~~state~~ department may make any payments under this 41547
division by direct deposit of funds by electronic transfer. 41548

Any amount received by a paying agent or fiscal agent 41549
under this section shall be applied only to the payment of debt 41550
charges on the securities of the school district subject to this 41551
section or to the reimbursement to the provider of a credit 41552
enhancement facility that has paid such debt charges. 41553

(F) To the extent a school district whose securities are 41554
subject to this section is unable to pay applicable debt charges 41555
because of the failure to collect property taxes levied for the 41556
payment of those debt charges, the district may transfer to or 41557
deposit into any fund that would have received payments under 41558
Chapter 3317. of the Revised Code that were withheld under this 41559
section any such delinquent property taxes when later collected, 41560
provided that transfer or deposit shall be limited to the 41561
amounts withheld from that fund under this section. 41562

(G) The department may make payments under this section to 41563
paying agents or fiscal agents only from and to the extent that 41564
money is appropriated by the general assembly for Chapter 3317. 41565
of the Revised Code or for the purposes of this section. No 41566
securities of a school district to which this section is made 41567
applicable constitute an obligation or a debt or a pledge of the 41568
faith, credit, or taxing power of the state, and the holders or 41569
owners of such securities have no right to have taxes levied or 41570
appropriations made by the general assembly for the payment of 41571
debt charges on those securities, and those securities, if the 41572
department requires, shall contain a statement to that effect. 41573
The agreement for or the actual withholding and payment of 41574
moneys under this section does not constitute the assumption by 41575
the state of any debt of a school district. 41576

(H) In the case of securities subject to the withholding 41577
provisions of this section, the issuing board of education shall 41578
appoint a paying agent or fiscal agent who is not an officer or 41579
employee of the school district. 41580

(I) The department ~~of education~~, with the advice of the 41581
office of budget and management, may adopt reasonable rules not 41582
inconsistent with this section for the implementation of this 41583

section and division (B) of section 133.25 of the Revised Code 41584
as it relates to the withholding and depositing of payments 41585
under Chapter 3317. of the Revised Code to secure payment of 41586
debt charges on school district securities. Those rules shall 41587
include criteria for the evaluation and approval or denial of 41588
school district requests for withholding under this section and 41589
limits on the obligation for the purpose of paying debt charges 41590
or reimbursing credit enhancement facilities of funds otherwise 41591
to be paid to school districts under Chapter 3317. of the 41592
Revised Code. 41593

(J) The authority granted by this section is in addition 41594
to and not a limitation on any other authorizations granted by 41595
or pursuant to law for the same or similar purposes. 41596

Sec. 3317.19. The ~~state board~~ department of education and 41597
workforce shall compute and distribute to each cooperative 41598
education school district for each fiscal year an amount equal 41599
to the sum of the following: 41600

(A) An amount equal to the total of the amounts credited 41601
to the cooperative education school district pursuant to 41602
division (H) of section 3317.023 of the Revised Code; 41603

(B) An amount for assisting in providing free lunches to 41604
needy children pursuant to division (D) of section 3317.024 of 41605
the Revised Code. 41606

Sec. 3317.201. This section does not apply to preschool 41607
children with disabilities. 41608

(A) As used in this section, the "total special education 41609
amount" for an institution means the following: 41610

(1) For fiscal years 2022 and 2023, the sum of the 41611
following amounts: 41612

(a) The number of children certified by the institution 41613
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41614
Code as receiving services for a disability described in 41615
division (A) of section 3317.013 of the Revised Code multiplied 41616
by the multiple specified in that division multiplied by the 41617
statewide average base cost per pupil; 41618

(b) The number of children certified by the institution 41619
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41620
Code as receiving services for a disability described in 41621
division (B) of section 3317.013 of the Revised Code multiplied 41622
by the multiple specified in that division multiplied by the 41623
statewide average base cost per pupil; 41624

(c) The number of children certified by the institution 41625
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41626
Code as receiving services for a disability described in 41627
division (C) of section 3317.013 of the Revised Code multiplied 41628
by the multiple specified in that division multiplied by the 41629
statewide average base cost per pupil; 41630

(d) The number of children certified by the institution 41631
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41632
Code as receiving services for a disability described in 41633
division (D) of section 3317.013 of the Revised Code multiplied 41634
by the multiple specified in that division multiplied by the 41635
statewide average base cost per pupil; 41636

(e) The number of children certified by the institution 41637
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41638
Code as receiving services for a disability described in 41639
division (E) of section 3317.013 of the Revised Code multiplied 41640
by the multiple specified in that division multiplied by the 41641
statewide average base cost per pupil; 41642

(f) The number of children certified by the institution 41643
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41644
Code as receiving services for a disability described in 41645
division (F) of section 3317.013 of the Revised Code multiplied 41646
by the multiple specified in that division multiplied by the 41647
statewide average base cost per pupil. 41648

(2) For fiscal year 2024 and each fiscal year thereafter, 41649
the sum of the following amounts: 41650

(a) An amount calculated in a manner determined by the 41651
general assembly times the number of children certified by the 41652
institution under division (G) (1) (a) (i) of section 3317.03 of 41653
the Revised Code as receiving services for a disability 41654
described in division (A) of section 3317.013 of the Revised 41655
Code; 41656

(b) An amount calculated in a manner determined by the 41657
general assembly times the number of children certified by the 41658
institution under division (G) (1) (a) (i) of section 3317.03 of 41659
the Revised Code as receiving services for a disability 41660
described in division (B) of section 3317.013 of the Revised 41661
Code; 41662

(c) An amount calculated in a manner determined by the 41663
general assembly times the number of children certified by the 41664
institution under division (G) (1) (a) (i) of section 3317.03 of 41665
the Revised Code as receiving services for a disability 41666
described in division (C) of section 3317.013 of the Revised 41667
Code; 41668

(d) An amount calculated in a manner determined by the 41669
general assembly times the number of children certified by the 41670
institution under division (G) (1) (a) (i) of section 3317.03 of 41671

the Revised Code as receiving services for a disability 41672
described in division (D) of section 3317.013 of the Revised 41673
Code; 41674

(e) An amount calculated in a manner determined by the 41675
general assembly times the number of children certified by the 41676
institution under division (G) (1) (a) (i) of section 3317.03 of 41677
the Revised Code as receiving services for a disability 41678
described in division (E) of section 3317.013 of the Revised 41679
Code; 41680

(f) An amount calculated in a manner determined by the 41681
general assembly times the number of children certified by the 41682
institution under division (G) (1) (a) (i) of section 3317.03 of 41683
the Revised Code as receiving services for a disability 41684
described in division (F) of section 3317.013 of the Revised 41685
Code. 41686

(B) For each fiscal year, the department of education and 41687
workforce shall pay each state institution required to provide 41688
special education services under division (A) of section 41689
3323.091 of the Revised Code an amount equal to the 41690
institution's total special education amount. 41691

Sec. 3317.23. (A) For purposes of this section: 41692

(1) "Competency-based educational program" means any 41693
system of academic instruction, assessment, grading, and 41694
reporting where students receive credit based on demonstrations 41695
and assessments of their learning rather than the amount of time 41696
they spend studying a subject. A competency-based educational 41697
program shall encourage accelerated learning among students who 41698
master academic materials quickly while providing additional 41699
instructional support time for students who need it. 41700

(2) An "eligible individual" is an individual who 41701
satisfies both of the following criteria: 41702

(a) The individual is at least twenty-two years of age. 41703

(b) The individual has not been awarded a high school 41704
diploma or a certificate of high school equivalence as defined 41705
in section 4109.06 of the Revised Code. 41706

(B) An eligible individual may enroll in a city, local, or 41707
exempted village school district that operates a dropout 41708
prevention and recovery program for up to two consecutive school 41709
years for the purpose of earning a high school diploma. An 41710
individual enrolled under this division may elect to satisfy the 41711
requirements to earn a high school diploma by successfully 41712
completing a competency-based educational program that complies 41713
with the standards adopted by the department of education and 41714
workforce under section 3317.231 of the Revised Code. The 41715
district shall report that individual's enrollment on a full- 41716
time equivalency basis under division (A) of section 3317.036 of 41717
the Revised Code and shall not report that individual's 41718
enrollment under section 3317.03 of the Revised Code. An 41719
individual enrolled under this division shall not be assigned to 41720
classes or settings with students who are younger than eighteen 41721
years of age. 41722

(C) (1) For each district that enrolls individuals under 41723
division (B) of this section, the department annually shall 41724
certify the enrollment and attendance, on a full-time 41725
equivalency basis, of each individual reported by the district 41726
under division (A) of section 3317.036 of the Revised Code. 41727

(2) For each individual enrolled in a district under 41728
division (B) of this section, the department annually shall pay 41729

the district up to \$5,000, as determined by the department based 41730
on the extent of the individual's successful completion of the 41731
graduation requirements prescribed under sections 3313.603, 41732
3313.61, 3313.611, and 3313.614 of the Revised Code. 41733

(D) A district that enrolls individuals under division (B) 41734
of this section shall be subject to the program administration 41735
standards adopted by the department under section 3317.231 of 41736
the Revised Code, as applicable. 41737

Sec. 3317.231. The department of education and workforce 41738
shall adopt rules regarding the administration of programs that 41739
enroll individuals who are at least twenty-two years of age 41740
under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the 41741
Revised Code, including data collection, the reporting and 41742
certification of enrollment in the programs, the measurement of 41743
the academic performance of individuals enrolled in the 41744
programs, and the standards for competency-based educational 41745
programs, as defined in section 3317.23 of the Revised Code. 41746

Sec. 3317.24. (A) For purposes of this section, 41747
"competency-based educational program" and "eligible individual" 41748
have the same meanings as in section 3317.23 of the Revised 41749
Code. 41750

(B) An eligible individual may enroll in a joint 41751
vocational school district that operates an adult education 41752
program for up to two cumulative school years for the purpose of 41753
completing the requirements to earn a high school diploma. An 41754
individual enrolled under this division may elect to satisfy 41755
these requirements by successfully completing a competency-based 41756
educational program that complies with the standards adopted by 41757
the department of education and workforce under section 3317.231 41758
of the Revised Code. The district shall report an individual's 41759

enrollment under this division on a full-time equivalency basis 41760
under division (B) of section 3317.036 of the Revised Code and 41761
shall not report that individual's enrollment under section 41762
3317.03 of the Revised Code. An individual enrolled under this 41763
division shall not be assigned to classes or settings with 41764
students who are younger than eighteen years of age. 41765

(C) (1) For each joint vocational school district that 41766
enrolls individuals under division (B) of this section, the 41767
department annually shall certify the enrollment and attendance, 41768
on a full-time equivalency basis, of each individual reported by 41769
the district under division (B) of section 3317.036 of the 41770
Revised Code. 41771

(2) For each individual enrolled in a joint vocational 41772
school district under division (B) of this section, the 41773
department annually shall pay the district up to \$5,000, as 41774
determined by the department based on the extent of the 41775
individual's successful completion of the graduation 41776
requirements prescribed under sections 3313.603, 3313.61, 41777
3313.611, and 3313.614 of the Revised Code. 41778

(D) If an individual enrolled in a joint vocational school 41779
district under division (B) of this section completes the 41780
requirements to earn a high school diploma, the joint vocational 41781
school district shall certify the completion of those 41782
requirements to the city, local, or exempted village school 41783
district in which the individual resides. Upon receiving 41784
certification under this division, the city, local, or exempted 41785
village school district in which the individual resides shall 41786
issue a high school diploma to the individual within sixty days 41787
of receiving the certification. 41788

(E) A joint vocational school district that enrolls 41789

individuals under division (B) of this section shall be subject 41790
to the program administration standards adopted by the 41791
department under section 3317.231 of the Revised Code, as 41792
applicable. 41793

Sec. 3317.25. (A) As used in this section, "disadvantaged 41794
pupil impact aid" means the following: 41795

(1) For a city, local, or exempted village school 41796
district, the funds received under division (A) (4) (a) of section 41797
3317.022 of the Revised Code; 41798

(2) For a joint vocational school district, the funds 41799
received under division (A) (3) of section 3317.16 of the Revised 41800
Code; 41801

(3) For a community school established under Chapter 3314. 41802
of the Revised Code, the funds received under division (A) (4) (b) 41803
of section 3317.022 of the Revised Code; 41804

(4) For a STEM school established under Chapter 3326. of 41805
the Revised Code, the funds received under division (A) (4) (b) of 41806
section 3317.022 of the Revised Code. 41807

(B) (1) For fiscal years 2022 and 2023, a city, local, 41808
exempted village, or joint vocational school district, community 41809
school, or STEM school shall spend the disadvantaged pupil 41810
impact aid it receives for any of the following initiatives or a 41811
combination of any of the following initiatives: 41812

(a) Extended school day and school year; 41813

(b) Reading improvement and intervention; 41814

(c) Instructional technology or blended learning; 41815

(d) Professional development in reading instruction for 41816

teachers of students in kindergarten through third grade;	41817
(e) Dropout prevention;	41818
(f) School safety and security measures;	41819
(g) Community learning centers that address barriers to learning;	41820 41821
(h) Academic interventions for students in any of grades six through twelve;	41822 41823
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	41824 41825 41826 41827
(j) Mental health services, including telehealth services;	41828
(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;	41829 41830 41831 41832
(l) Services for homeless youth;	41833
(m) Services for child welfare involved youth;	41834
(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	41835 41836 41837
(o) Physical health care services, including telehealth services;	41838 41839
(p) Family engagement and support services;	41840
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in	41841 41842

session, including mentoring programs. 41843

(2) For fiscal year 2024 and each fiscal year thereafter, 41844
each city, local, exempted village, and joint vocational school 41845
district, community school, and STEM school shall spend the 41846
disadvantaged pupil impact aid it receives for one or more 41847
initiatives specified by the general assembly. 41848

(C) (1) For fiscal years 2022 and 2023, each city, local, 41849
exempted village, and joint vocational school district, 41850
community school, and STEM school that is subject to the 41851
requirements of this section shall develop a plan for utilizing 41852
the disadvantaged pupil impact aid it receives in coordination 41853
with at least one of the following community partners: 41854

(a) A board of alcohol, drug addiction, and mental health 41855
services established under Chapter 340. of the Revised Code; 41856

(b) An educational service center; 41857

(c) A county board of developmental disabilities; 41858

(d) A community-based mental health treatment provider; 41859

(e) A board of health of a city or general health 41860
district; 41861

(f) A county department of job and family services; 41862

(g) A nonprofit organization with experience serving 41863
children; 41864

(h) A public hospital agency. 41865

(2) For fiscal year 2024 and each fiscal year thereafter, 41866
each city, local, exempted village, and joint vocational school 41867
district, community school, and STEM school that is subject to 41868
the requirements of this section shall develop a plan for 41869

utilizing the disadvantaged pupil impact aid it receives in the 41870
manner specified by the general assembly, if the general 41871
assembly requires city, local, exempted village, and joint 41872
vocational school districts, community schools, and STEM schools 41873
to develop such a plan. 41874

(D) After the end of each fiscal year, each city, local, 41875
exempted village, or joint vocational school district, community 41876
school, and STEM school shall submit a report to the department 41877
of education and workforce describing the initiative or 41878
initiatives on which the district's or school's disadvantaged 41879
pupil impact aid were spent during that fiscal year. For fiscal 41880
years 2022 and 2023, this report shall be submitted in a manner 41881
prescribed by the department and shall also describe the amount 41882
of money that was spent on each initiative. 41883

(E) Starting in 2015, the department shall submit a report 41884
of the information it receives under division (C) of this 41885
section to the general assembly not later than the first day of 41886
December of each odd-numbered year in accordance with section 41887
101.68 of the Revised Code. 41888

Sec. 3317.40. (A) As used in this section, "subgroup" 41889
means one of the following subsets of the entire student 41890
population of a school district or a school building: 41891

(1) Students with disabilities; 41892

(2) Economically disadvantaged students; 41893

(3) English learners; 41894

(4) Students identified as gifted in superior cognitive 41895
ability and specific academic ability fields under Chapter 3324. 41896
of the Revised Code. 41897

(B) It is the intent of the general assembly that funds 41898
provided under this chapter shall be used for the provision of a 41899
system of common schools and the advancement of the knowledge of 41900
all students. As such, school districts and schools shall be 41901
held accountable for those funds to ensure that all students are 41902
provided an opportunity to graduate from high school prepared 41903
for a career or for post-secondary education. 41904

(C) When funds are provided under this chapter 41905
specifically for services for a subgroup of students, the 41906
general assembly has determined that these students experience 41907
unique challenges requiring additional resources and intends 41908
that the funds so provided be used for services that will allow 41909
students in those subgroups to master the knowledge base 41910
required for high school graduation. 41911

(D) If a district or school fails to show satisfactory 41912
achievement and progress, as determined by the ~~state board~~ 41913
department of education and workforce, for any subgroup of 41914
students based on performance measures reported or graded under 41915
section 3302.03 of the Revised Code, the district or school 41916
shall submit an improvement plan to the department for approval. 41917
The plan may be included in any other improvement plan required 41918
of the district or school under state or federal law. The 41919
department may require that a plan required under division (C) 41920
of this section include an agreement to partner with another 41921
organization that has demonstrated the ability to improve the 41922
educational outcome for that subgroup of students to provide 41923
services to those students. The partner organization may be 41924
another school, district, or other education provider. 41925

~~Not later than December 31, 2014, the state board of~~ 41926
~~education~~ The department shall establish measures of 41927

satisfactory achievement and progress, which include, but are 41928
not limited to, performance measures under section 3302.03 of 41929
the Revised Code. The department shall make the initial 41930
determination of satisfactory achievement and progress under 41931
this section using those measures not later than September 1, 41932
2015, and then make determinations under this section annually 41933
thereafter. 41934

The department shall publish a list of schools, school 41935
districts, and other educational providers that have 41936
demonstrated an ability to serve each subgroup of students. 41937

Sec. 3317.50. The telecommunity education fund is hereby 41938
created in the state treasury. The fund shall consist of certain 41939
excess local exchange telephone company contributions 41940
transferred from the reserve fund of the Ohio telecommunications 41941
advisory board pursuant to an agreement between the public 41942
utilities commission of Ohio and the Ohio department of 41943
education and workforce. The fund shall be used by the 41944
chancellor of ~~the Ohio board of regents~~ higher education, in the 41945
amounts appropriated, to finance technology grants to state- 41946
chartered elementary and secondary schools. Investment earnings 41947
of the fund shall be credited to the fund. 41948

Sec. 3317.51. (A) The distance learning fund is hereby 41949
created in the state treasury. The fund shall consist of moneys 41950
paid by any telephone company as a part of a settlement 41951
agreement between such company and the public utilities 41952
commission in fiscal year 1995 in part to establish distance 41953
learning throughout the state. The chancellor of ~~the Ohio board~~ 41954
~~of regents~~ higher education shall administer the fund and expend 41955
moneys from it to finance technology grants to eligible schools 41956
chartered by the ~~state board~~ director of education and workforce 41957

to establish distance learning in those schools. Chartered 41958
schools are eligible for funds if they are within the service 41959
area of the telephone company. Investment earnings of the fund 41960
shall be credited to the fund. 41961

(B) For purposes of this section, "distance learning" 41962
means the creation of a learning environment involving a school 41963
setting and at least one other location outside of the school 41964
which allows for information available at one site to be 41965
accessed at the other through the use of such educational 41966
applications as one-way or two-way transmission of data, voice, 41967
and video, singularly or in appropriate combinations. 41968

Sec. 3318.011. For purposes of providing assistance under 41969
sections 3318.01 to 3318.20 of the Revised Code, the department 41970
of education and workforce shall annually do all of the 41971
following: 41972

(A) Calculate the adjusted valuation per pupil of each 41973
city, local, and exempted village school district according to 41974
the following formula: 41975

The district's valuation per pupil - [$\$30,000 \times (1 - \text{the}$ 41976
district's income factor)]. 41977

For purposes of this calculation: 41978

(1) Except for a district with an open enrollment net gain 41979
that is ten per cent or more of its formula ADM, "valuation per 41980
pupil" for a district means its average taxable value, divided 41981
by its formula ADM for the previous fiscal year. "Valuation per 41982
pupil," for a district with an open enrollment net gain that is 41983
ten per cent or more of its formula ADM, means its average 41984
taxable value, divided by the sum of its formula ADM for the 41985
previous fiscal year plus its open enrollment net gain for the 41986

previous fiscal year. 41987

(2) "Average taxable value" means the average of the sum 41988
of the amounts certified for a district under divisions (A) (1) 41989
and (2) of section 3317.021 of the Revised Code in the second, 41990
third, and fourth preceding fiscal years. 41991

(3) "Entitled to attend school" means entitled to attend 41992
school in a city, local, or exempted village school district 41993
under section 3313.64 or 3313.65 of the Revised Code. 41994

(4) "Formula ADM" has the same meaning as in section 41995
3317.02 of the Revised Code. 41996

(5) "Native student" has the same meaning as in section 41997
3313.98 of the Revised Code. 41998

(6) "Open enrollment net gain" for a district means (a) 41999
the number of the students entitled to attend school in another 42000
district but who are enrolled in the schools of the district 42001
under its open enrollment policy minus (b) the number of the 42002
district's native students who are enrolled in the schools of 42003
another district under the other district's open enrollment 42004
policy, both numbers as certified to the department under 42005
section 3313.981 of the Revised Code. If the difference is a 42006
negative number, the district's "open enrollment net gain" is 42007
zero. 42008

(7) "Open enrollment policy" means an interdistrict open 42009
enrollment policy adopted under section 3313.98 of the Revised 42010
Code. 42011

(8) "District median income" means the median Ohio 42012
adjusted gross income certified for a school district under 42013
section 3317.021 of the Revised Code. 42014

(9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 42015
42016
42017

(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 42018
42019
42020

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 42021
42022
42023

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 42024
42025
42026
42027

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil; 42028
42029
42030
42031
42032
42033

(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; 42034
42035
42036
42037

(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. 42038
42039
42040

Sec. 3318.033. (A) As used in this section: 42041

(1) "Formula ADM" has the same meaning as in section 42042

3317.02 of the Revised Code. 42043

(2) "Open enrollment net gain" has the same meaning as in 42044
section 3318.011 of the Revised Code. 42045

(B) This section applies to each school district that 42046
meets the following criteria: 42047

(1) The Ohio facilities construction commission certified 42048
its conditional approval of the district's project under 42049
sections 3318.01 to 3318.20 of the Revised Code after July 1, 42050
2006, and prior to September 29, 2007, and the project had not 42051
been completed as of September 29, 2007. 42052

(2) Within one year after the date of the commission's 42053
certification of its conditional approval, the district's 42054
electors approved a bond issue to pay the district's portion of 42055
the basic project cost or the district board of education 42056
complied with section 3318.052 of the Revised Code. 42057

(3) In the fiscal year prior to the fiscal year in which 42058
the district's project was conditionally approved, the district 42059
had an open enrollment net gain that was ten per cent or more of 42060
its formula ADM. 42061

(C) For each school district to which this section 42062
applies, the department of education and workforce shall 42063
recalculate the district's percentile ranking under section 42064
3318.011 of the Revised Code for the fiscal year prior to the 42065
fiscal year in which the district's project was conditionally 42066
approved and shall report the recalculated percentile ranking to 42067
the commission. For this purpose, the department shall 42068
recalculate every school district's percentile ranking for that 42069
fiscal year using the district's "valuation per pupil" as that 42070
term is defined in section 3318.011 of the Revised Code on and 42071

after September 29, 2007. 42072

(D) For each school district to which this section 42073
applies, the commission shall use the recalculated percentile 42074
ranking reported under division (C) of this section to determine 42075
the district's portion of the basic project cost under section 42076
3318.032 of the Revised Code. The commission shall not use the 42077
recalculated percentile ranking for any other purpose, and the 42078
recalculated ranking shall not affect any other district's 42079
portion of the basic project cost under section 3318.032 of the 42080
Revised Code or any district's eligibility for assistance under 42081
sections 3318.01 to 3318.20 of the Revised Code. The commission 42082
shall revise the agreement entered into under section 3318.08 of 42083
the Revised Code to reflect the district's new portion of the 42084
basic project cost as determined under this division. 42085

Sec. 3318.051. (A) Any city, exempted village, or local 42086
school district that commences a project under sections 3318.01 42087
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 42088
or after September 5, 2006, need not levy the tax otherwise 42089
required under division (B) of section 3318.05 of the Revised 42090
Code, if the district board of education adopts a resolution 42091
petitioning the Ohio facilities construction commission to 42092
approve the transfer of money in accordance with this section 42093
and the commission approves that transfer. If so approved, the 42094
commission and the district board shall enter into an agreement 42095
under which the board, in each of twenty-three consecutive years 42096
beginning in the year in which the board and the commission 42097
enter into the project agreement under section 3318.08 of the 42098
Revised Code, shall transfer into the maintenance fund required 42099
by division (D) of section 3318.05 of the Revised Code not less 42100
than an amount equal to one-half mill for each dollar of the 42101
district's valuation unless and until the agreement to make 42102

those transfers is rescinded by the district board pursuant to 42103
division (F) of this section. 42104

(B) On the first day of July each year, or on an 42105
alternative date prescribed by the commission, the district 42106
treasurer shall certify to the commission and the auditor of 42107
state that the amount required for the year has been 42108
transferred. The auditor of state shall include verification of 42109
the transfer as part of any audit of the district under section 42110
117.11 of the Revised Code. If the auditor of state finds that 42111
less than the required amount has been deposited into a 42112
district's maintenance fund, the auditor of state shall notify 42113
the district board of education in writing of that fact and 42114
require the board to deposit into the fund, within ninety days 42115
after the date of the notice, the amount by which the fund is 42116
deficient for the year. If the district board fails to 42117
demonstrate to the auditor of state's satisfaction that the 42118
board has made the deposit required in the notice, the auditor 42119
of state shall notify the department of education and workforce. 42120
At that time, the department shall withhold an amount equal to 42121
ten per cent of the district's funds calculated for the current 42122
fiscal year under Chapter 3317. of the Revised Code until the 42123
auditor of state notifies the department that the auditor of 42124
state is satisfied that the board has made the required 42125
transfer. 42126

(C) Money transferred to the maintenance fund shall be 42127
used for the maintenance or, upon approval of the Ohio 42128
facilities construction commission, upgrade of the facilities 42129
acquired under the district's project. 42130

(D) The transfers to the maintenance fund under this 42131
section does not affect a district's obligation to establish and 42132

maintain a capital and maintenance fund under section 3315.18 of 42133
the Revised Code. 42134

(E) Any decision by the commission to approve or not 42135
approve the transfer of money under this section is final and 42136
not subject to appeal. The commission shall not be responsible 42137
for errors or miscalculations made in deciding whether to 42138
approve a petition to make transfers under this section. 42139

(F) If the district board determines that it no longer can 42140
continue making the transfers agreed to under this section, the 42141
board may rescind the agreement only so long as the electors of 42142
the district have approved, in accordance with section 3318.063 42143
of the Revised Code, the levy of a tax for the maintenance of 42144
the classroom facilities acquired under the district's project 42145
and that levy continues to be collected as approved by the 42146
electors. That levy shall be for a number of years that is equal 42147
to the difference between twenty-three years and the number of 42148
years that the district made transfers under this section and 42149
shall be at the rate of not less than one-half mill for each 42150
dollar of the district's valuation. The district board shall 42151
continue to make the transfers agreed to under this section 42152
until that levy has been approved by the electors. 42153

Sec. 3318.08. Except in the case of a joint vocational 42154
school district that receives assistance under sections 3318.40 42155
to 3318.45 of the Revised Code, if the requisite favorable vote 42156
on the election is obtained, or if the school district board has 42157
resolved to apply the proceeds of a property tax levy or the 42158
proceeds of an income tax, or a combination of proceeds from 42159
such taxes, as authorized in section 3318.052 of the Revised 42160
Code, the Ohio facilities construction commission, upon 42161
certification to it of either the results of the election or the 42162

resolution under section 3318.052 of the Revised Code, shall 42163
enter into a written agreement with the school district board 42164
for the construction and sale of the project. In the case of a 42165
joint vocational school district that receives assistance under 42166
sections 3318.40 to 3318.45 of the Revised Code, if the school 42167
district board of education and the school district electors 42168
have satisfied the conditions prescribed in division (D)(1) of 42169
section 3318.41 of the Revised Code, the commission shall enter 42170
into an agreement with the school district board for the 42171
construction and sale of the project. In either case, the 42172
agreement shall include, but need not be limited to, the 42173
following provisions: 42174

(A) The sale and issuance of bonds or notes in 42175
anticipation thereof, as soon as practicable after the execution 42176
of the agreement, in an amount equal to the school district's 42177
portion of the basic project cost, including any securities 42178
authorized under division (J) of section 133.06 of the Revised 42179
Code and dedicated by the school district board to payment of 42180
the district's portion of the basic project cost of the project; 42181
provided, that if at that time the county treasurer of each 42182
county in which the school district is located has not commenced 42183
the collection of taxes on the general duplicate of real and 42184
public utility property for the year in which the controlling 42185
board approved the project, the school district board shall 42186
authorize the issuance of a first installment of bond 42187
anticipation notes in an amount specified by the agreement, 42188
which amount shall not exceed an amount necessary to raise the 42189
net bonded indebtedness of the school district as of the date of 42190
the controlling board's approval to within five thousand dollars 42191
of the required level of indebtedness for the preceding year. In 42192
the event that a first installment of bond anticipation notes is 42193

issued, the school district board shall, as soon as practicable 42194
after the county treasurer of each county in which the school 42195
district is located has commenced the collection of taxes on the 42196
general duplicate of real and public utility property for the 42197
year in which the controlling board approved the project, 42198
authorize the issuance of a second and final installment of bond 42199
anticipation notes or a first and final issue of bonds. 42200

The combined value of the first and second installment of 42201
bond anticipation notes or the value of the first and final 42202
issue of bonds shall be equal to the school district's portion 42203
of the basic project cost. The proceeds of any such bonds shall 42204
be used first to retire any bond anticipation notes. Otherwise, 42205
the proceeds of such bonds and of any bond anticipation notes, 42206
except the premium and accrued interest thereon, shall be 42207
deposited in the school district's project construction fund. In 42208
determining the amount of net bonded indebtedness for the 42209
purpose of fixing the amount of an issue of either bonds or bond 42210
anticipation notes, gross indebtedness shall be reduced by 42211
moneys in the bond retirement fund only to the extent of the 42212
moneys therein on the first day of the year preceding the year 42213
in which the controlling board approved the project. Should 42214
there be a decrease in the tax valuation of the school district 42215
so that the amount of indebtedness that can be incurred on the 42216
tax duplicates for the year in which the controlling board 42217
approved the project is less than the amount of the first 42218
installment of bond anticipation notes, there shall be paid from 42219
the school district's project construction fund to the school 42220
district's bond retirement fund to be applied against such notes 42221
an amount sufficient to cause the net bonded indebtedness of the 42222
school district, as of the first day of the year following the 42223
year in which the controlling board approved the project, to be 42224

within five thousand dollars of the required level of 42225
indebtedness for the year in which the controlling board 42226
approved the project. The maximum amount of indebtedness to be 42227
incurred by any school district board as its share of the cost 42228
of the project is either an amount that will cause its net 42229
bonded indebtedness, as of the first day of the year following 42230
the year in which the controlling board approved the project, to 42231
be within five thousand dollars of the required level of 42232
indebtedness, or an amount equal to the required percentage of 42233
the basic project costs, whichever is greater. All bonds and 42234
bond anticipation notes shall be issued in accordance with 42235
Chapter 133. of the Revised Code, and notes may be renewed as 42236
provided in section 133.22 of the Revised Code. 42237

(B) The transfer of such funds of the school district 42238
board available for the project, together with the proceeds of 42239
the sale of the bonds or notes, except premium, accrued 42240
interest, and interest included in the amount of the issue, to 42241
the school district's project construction fund; 42242

(C) For all school districts except joint vocational 42243
school districts that receive assistance under sections 3318.40 42244
to 3318.45 of the Revised Code, the following provisions as 42245
applicable: 42246

(1) If section 3318.052 of the Revised Code applies, the 42247
earmarking of the proceeds of a tax levied under section 5705.21 42248
of the Revised Code for general permanent improvements or under 42249
section 5705.218 of the Revised Code for the purpose of 42250
permanent improvements, or the proceeds of a school district 42251
income tax levied under Chapter 5748. of the Revised Code, or 42252
the proceeds from a combination of those two taxes, in an amount 42253
to pay all or part of the service charges on bonds issued to pay 42254

the school district portion of the project and an amount 42255
equivalent to all or part of the tax required under division (B) 42256
of section 3318.05 of the Revised Code; 42257

(2) If section 3318.052 of the Revised Code does not 42258
apply, one of the following: 42259

(a) The levy of the tax authorized at the election for the 42260
payment of maintenance costs, as specified in division (B) of 42261
section 3318.05 of the Revised Code; 42262

(b) If the school district electors have approved a 42263
continuing tax for general permanent improvements under section 42264
5705.21 of the Revised Code and that tax can be used for 42265
maintenance, the earmarking of an amount of the proceeds from 42266
such tax for maintenance of classroom facilities as specified in 42267
division (B) of section 3318.05 of the Revised Code; 42268

(c) If, in lieu of the tax otherwise required under 42269
division (B) of section 3318.05 of the Revised Code, the 42270
commission has approved the transfer of money to the maintenance 42271
fund in accordance with section 3318.051 of the Revised Code, a 42272
requirement that the district board comply with the provisions 42273
of that section. The district board may rescind the provision 42274
prescribed under division (C) (2) (c) of this section only so long 42275
as the electors of the district have approved, in accordance 42276
with section 3318.063 of the Revised Code, the levy of a tax for 42277
the maintenance of the classroom facilities acquired under the 42278
district's project and that levy continues to be collected as 42279
approved by the electors. 42280

(D) For joint vocational school districts that receive 42281
assistance under sections 3318.40 to 3318.45 of the Revised 42282
Code, provision for deposit of school district moneys dedicated 42283

to maintenance of the classroom facilities acquired under those 42284
sections as prescribed in section 3318.43 of the Revised Code; 42285

(E) Dedication of any local donated contribution as 42286
provided for under section 3318.084 of the Revised Code, 42287
including a schedule for depositing such moneys applied as an 42288
offset of the district's obligation to levy the tax described in 42289
division (B) of section 3318.05 of the Revised Code as required 42290
under division (D) (2) of section 3318.084 of the Revised Code; 42291

(F) Ownership of or interest in the project during the 42292
period of construction, which shall be divided between the 42293
commission and the school district board in proportion to their 42294
respective contributions to the school district's project 42295
construction fund; 42296

(G) Maintenance of the state's interest in the project 42297
until any obligations issued for the project under section 42298
3318.26 of the Revised Code are no longer outstanding; 42299

(H) The insurance of the project by the school district 42300
from the time there is an insurable interest therein and so long 42301
as the state retains any ownership or interest in the project 42302
pursuant to division (F) of this section, in such amounts and 42303
against such risks as the commission shall require; provided, 42304
that the cost of any required insurance until the project is 42305
completed shall be a part of the basic project cost; 42306

(I) The certification by the director of budget and 42307
management that funds are available and have been set aside to 42308
meet the state's share of the basic project cost as approved by 42309
the controlling board pursuant to either section 3318.04 or 42310
division (B) (1) of section 3318.41 of the Revised Code; 42311

(J) Authorization of the school district board to 42312

advertise for and receive construction bids for the project, for 42313
and on behalf of the commission, and to award contracts in the 42314
name of the state subject to approval by the commission; 42315

(K) Provisions for the disbursement of moneys from the 42316
school district's project account upon issuance by the 42317
commission or the commission's designated representative of 42318
vouchers for work done to be certified to the commission by the 42319
treasurer of the school district board; 42320

(L) Disposal of any balance left in the school district's 42321
project construction fund upon completion of the project; 42322

(M) Limitations upon use of the project or any part of it 42323
so long as any obligations issued to finance the project under 42324
section 3318.26 of the Revised Code are outstanding; 42325

(N) Provision for vesting the state's interest in the 42326
project to the school district board when the obligations issued 42327
to finance the project under section 3318.26 of the Revised Code 42328
are outstanding; 42329

(O) Provision for deposit of an executed copy of the 42330
agreement in the office of the commission; 42331

(P) Provision for termination of the contract and release 42332
of the funds encumbered at the time of the conditional approval, 42333
if the proceeds of the sale of the bonds of the school district 42334
board are not paid into the school district's project 42335
construction fund and if bids for the construction of the 42336
project have not been taken within such period after the 42337
execution of the agreement as may be fixed by the commission; 42338

(Q) A provision that requires the school district to 42339
adhere to a facilities maintenance plan approved by the 42340
commission; 42341

(R) Provision that all state funds reserved and encumbered 42342
to pay the state share of the cost of the project and the funds 42343
provided by the school district to pay for its share of the 42344
project cost, including the respective shares of the cost of a 42345
segment if the project is divided into segments, be spent on the 42346
construction and acquisition of the project or segment 42347
simultaneously in proportion to the state's and the school 42348
district's respective shares of that basic project cost as 42349
determined under section 3318.032 of the Revised Code or, if the 42350
district is a joint vocational school district, under section 42351
3318.42 of the Revised Code. However, if the school district 42352
certifies to the commission that expenditure by the school 42353
district is necessary to maintain the federal tax status or tax- 42354
exempt status of notes or bonds issued by the school district to 42355
pay for its share of the project cost or to comply with 42356
applicable temporary investment periods or spending exceptions 42357
to rebate as provided for under federal law in regard to those 42358
notes or bonds, the school district may commit to spend, or 42359
spend, a greater portion of the funds it provides during any 42360
specific period than would otherwise be required under this 42361
division. 42362

(S) A provision stipulating that the commission may 42363
prohibit the district from proceeding with any project if the 42364
commission determines that the site is not suitable for 42365
construction purposes. The commission may perform soil tests in 42366
its determination of whether a site is appropriate for 42367
construction purposes. 42368

(T) A provision stipulating that, unless otherwise 42369
authorized by the commission, any contingency reserve portion of 42370
the construction budget prescribed by the commission shall be 42371
used only to pay costs resulting from unforeseen job conditions, 42372

to comply with rulings regarding building and other codes, to 42373
pay costs related to design clarifications or corrections to 42374
contract documents, and to pay the costs of settlements or 42375
judgments related to the project as provided under section 42376
3318.086 of the Revised Code; 42377

(U) A provision stipulating that for continued release of 42378
project funds the school district board shall comply with 42379
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 42380
throughout the project and shall notify the department of 42381
education and workforce and the Ohio community school 42382
association when the board plans to dispose of facilities by 42383
sale under that section; 42384

(V) A provision stipulating that the commission shall not 42385
approve a contract for demolition of a facility until the school 42386
district board has complied with sections 3313.41, 3313.411, and 42387
3313.413 of the Revised Code relative to that facility, unless 42388
demolition of that facility is to clear a site for construction 42389
of a replacement facility included in the district's project. 42390

Sec. 3318.084. (A) Notwithstanding anything to the 42391
contrary in Chapter 3318. of the Revised Code, a school district 42392
board may apply any local donated contribution toward any of the 42393
following: 42394

(1) The district's portion of the basic project cost of a 42395
project under either sections 3318.01 to 3318.20 or sections 42396
3318.40 to 3318.45 of the Revised Code to reduce the amount of 42397
bonds the district otherwise must issue in order to receive 42398
state assistance under those sections; 42399

(2) If the school district is not a joint vocational 42400
school district proceeding under sections 3318.40 to 3318.45 of 42401

the Revised Code, an offset of all or part of a district's 42402
obligation to levy the tax described in division (B) of section 42403
3318.05 of the Revised Code, which shall be applied only in the 42404
manner prescribed in division (B) of this section; 42405

(3) If the school district is a joint vocational school 42406
district proceeding under sections 3318.40 to 3318.45 of the 42407
Revised Code, all or part of the amount the school district is 42408
obligated to set aside for maintenance of the classroom 42409
facilities acquired under that project pursuant to section 42410
3318.43 of the Revised Code. 42411

(B) No school district board shall apply any local donated 42412
contribution under division (A) (2) of this section unless the 42413
Ohio facilities construction commission first approves that 42414
application. 42415

Upon the request of the school district board to apply 42416
local donated contribution under division (A) (2) of this 42417
section, the commission in consultation with the department of 42418
taxation shall determine the amount of total revenue that likely 42419
would be generated by one-half mill of the tax described in 42420
division (B) of section 3318.05 of the Revised Code over the 42421
entire twenty-three-year period required under that section and 42422
shall deduct from that amount any amount of local donated 42423
contribution that the board has committed to apply under 42424
division (A) (2) of this section. The commission then shall 42425
determine in consultation with the department of taxation the 42426
rate of tax over twenty-three years necessary to generate the 42427
amount of a one-half mill tax not offset by the local donated 42428
contribution. Notwithstanding anything to the contrary in 42429
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 42430
rate determined by the commission shall be the rate for which 42431

the district board shall seek elector approval under those 42432
sections to meet its obligation under division (B) of section 42433
3318.05 of the Revised Code. In the case of a complete offset of 42434
the district's obligation under division (B) of section 3318.05 42435
of the Revised Code, the district shall not be required to levy 42436
the tax otherwise required under that section. At the end of the 42437
twenty-three-year period of the tax required under division (B) 42438
of section 3318.05 of the Revised Code, whether or not the tax 42439
is actually levied, the commission in consultation of the 42440
department of taxation shall recalculate the amount that would 42441
have been generated by the tax if it had been levied at one-half 42442
mill. If the total amount actually generated over that period 42443
from both the tax that was actually levied and any local donated 42444
contribution applied under division (A) (2) of this section is 42445
less than the amount that would have been raised by a one-half 42446
mill tax, the district shall pay any difference. If the total 42447
amount actually raised in such manner is greater than the amount 42448
that would have been raised by a one-half mill tax the 42449
difference shall be zero and no payments shall be made by either 42450
the district or the commission. 42451

(C) As used in this section, "local donated contribution" 42452
means any of the following: 42453

(1) Any moneys irrevocably donated or granted to a school 42454
district board by a source other than the state which the board 42455
has the authority to apply to the school district's project 42456
under sections 3318.01 to 3318.20 of the Revised Code and which 42457
the board has pledged for that purpose by resolution adopted by 42458
a majority of its members; 42459

(2) Any irrevocable letter of credit issued on behalf of a 42460
school district which the school district board has encumbered 42461

for payment of the school district's share of its project under 42462
sections 3318.01 to 3318.20 of the Revised Code that has been 42463
approved by the commission in consultation with the department 42464
of education and workforce; 42465

(3) Any cash a school district has on hand that the school 42466
district board has encumbered for payment of the school 42467
district's share of its project under sections 3318.01 to 42468
3318.20 of the Revised Code that has been approved by the 42469
commission in consultation with the department ~~of education~~, 42470
including the following: 42471

(a) Any year-end operating fund balances that can be spent 42472
for classroom facilities; 42473

(b) Any cash resulting from a lease-purchase agreement 42474
that the school district board has entered into under section 42475
3313.375 of the Revised Code, provided that the agreement and 42476
the related financing documents contain provisions protecting 42477
the state's superior interest in the project. 42478

(4) Any moneys spent by a source other than the school 42479
district or the state for construction or renovation of specific 42480
classroom facilities that have been approved by the commission 42481
as part of the basic project cost of the district's project. The 42482
school district, the commission, and the entity providing the 42483
local donated contribution under division (C) (4) of this section 42484
shall enter into an agreement identifying the classroom 42485
facilities to be acquired by the expenditures made by that 42486
entity. The agreement shall include, but not be limited to, 42487
stipulations that require an audit by the commission of such 42488
expenditures made on behalf of the district and that specify the 42489
maximum amount of credit to be allowed for those expenditures. 42490
Upon completion of the construction or renovation, the 42491

commission shall determine the actual amount that the commission 42492
will credit, at the request of the district board, toward the 42493
district's portion of the basic project cost, any project cost 42494
overruns, or the basic project cost of future segments if the 42495
project has been divided into segments under section 3318.38 of 42496
the Revised Code. The actual amount of the credit shall not 42497
exceed the lesser of the amount specified in the agreement or 42498
the actual cost of the construction or renovation. 42499

(D) No state moneys shall be released for a project to 42500
which this section applies until: 42501

(1) Any local donated contribution authorized under 42502
division (A) (1) of this section is first deposited into the 42503
school district's project construction fund. 42504

(2) The school district board and the commission have 42505
included a stipulation in their agreement entered into under 42506
section 3318.08 of the Revised Code under which the board will 42507
deposit into a fund approved by the commission according to a 42508
schedule that does not extend beyond the anticipated completion 42509
date of the project the total amount of any local donated 42510
contribution authorized under division (A) (2) or (3) of this 42511
section and dedicated by the board for that purpose. 42512

However, if any local donated contribution as described in 42513
division (C) (4) of this section has been approved under this 42514
section, the state moneys may be released even if the entity 42515
providing that local donated contribution has not spent the 42516
moneys so dedicated as long as the agreement required under that 42517
section has been executed. 42518

Sec. 3318.18. (A) As used in this section: 42519

(1) "Valuation" of a school district means the sum of the 42520

amounts described in divisions (A) (1) and (2) of section 42521
3317.021 of the Revised Code as most recently certified for the 42522
district before the annual computation is made under division 42523
(B) of this section. 42524

(2) "Valuation per pupil" of a school district means the 42525
district's valuation divided by the district's formula ADM as 42526
most recently calculated under section 3317.03 of the Revised 42527
Code before the annual computation is made under division (B) of 42528
this section. 42529

(3) "Statewide average valuation per pupil" means the 42530
total of the valuations of all school districts divided by the 42531
total of the formula ADMs of all school districts as most 42532
recently calculated under section 3317.03 of the Revised Code 42533
before the annual computation is made under division (C) of this 42534
section. 42535

(4) "Maintenance levy requirement" means the tax required 42536
to be levied pursuant to division (C) (2) (a) of section 3318.08 42537
and division (B) of section 3318.05 of the Revised Code or the 42538
application of proceeds of another levy to paying the costs of 42539
maintaining classroom facilities pursuant to division (A) (2) of 42540
section 3318.052, division (C) (1) or (C) (2) (b) of section 42541
3318.08, or division (D) (2) of section 3318.36 of the Revised 42542
Code, or a combination thereof. 42543

(5) "Project agreement" means an agreement between a 42544
school district and the Ohio facilities construction commission 42545
under section 3318.08 or division (B) (1) of section 3318.36 of 42546
the Revised Code. 42547

~~(B) On or before July 1, 2006, the department of education 42548
shall compute the statewide average valuation per pupil and the 42549~~

~~valuation per pupil of each school district, and provide them to~~ 42550
~~the Ohio facilities construction commission.~~ 42551
On or before the 42552
first day of July each year beginning in 2007, the department of 42553
education and workforce shall compute the statewide average 42554
valuation per pupil and the valuation per pupil of each school 42555
district that has not already entered into a project agreement, 42556
and provide the results of those computations to the commission.

(C) (1) At the time the Ohio facilities construction 42557
commission enters into a project agreement with a school 42558
district, the commission shall compute the difference between 42559
the district's valuation per pupil and the statewide average 42560
valuation per pupil as most recently provided to the commission 42561
under division (B) of this section. If the school district's 42562
valuation per pupil is less than the average statewide valuation 42563
per pupil, the commission shall multiply the difference between 42564
those amounts by one-half mill times the formula ADM of the 42565
district as most recently reported to the department ~~of~~ 42566
~~education~~ for October under division (A) of section 3317.03 of 42567
the Revised Code. The commission shall certify the resulting 42568
product to the department ~~of education~~, along with the date on 42569
which the maintenance levy requirement terminates as provided in 42570
the project agreement between the school district board and the 42571
commission. 42572

(2) In the case of a school district that entered into a 42573
project agreement after July 1, 1997, but before July 1, 2006, 42574
the commission shall make the computation described in division 42575
(C) (1) of this section on the basis of the district's valuation 42576
per pupil and the statewide average valuation per pupil computed 42577
as of September 1, 2006, and the district's formula ADM reported 42578
for October 2005. 42579

(3) The amount computed for a school district under 42580
division (C) (1) or (2) of this section shall not change for the 42581
period during which payments are made to the district under 42582
division (D) of this section. 42583

(4) A computation need not be made under division (C) (1) 42584
or (2) of this section for a school district that certified a 42585
resolution to the commission under division (D) (3) of section 42586
3318.36 of the Revised Code until the district becomes eligible 42587
for state assistance as provided in that division. 42588

(D) In the fourth quarter of each fiscal year, for each 42589
school district for which a computation has been made under 42590
division (C) of this section, the department ~~of education~~ shall 42591
pay the amount computed to each such school district. Payments 42592
shall be made to a school district each year until and including 42593
the tax year in which the district's maintenance levy 42594
requirement terminates. Payments shall be paid from the half- 42595
mill equalization fund, subject to appropriation by the general 42596
assembly. However, the department shall make no payments under 42597
this section to any district that elects the procedure 42598
authorized by section 3318.051 of the Revised Code. 42599

(E) Payments made to a school district under this section 42600
shall be credited to the district's classroom facilities 42601
maintenance fund and shall be used only for the purpose of 42602
maintaining facilities constructed or renovated under the 42603
project agreement. 42604

(F) There is hereby created in the state treasury the 42605
half-mill equalization fund. The fund shall receive transfers 42606
pursuant to section 5727.85 of the Revised Code. The fund shall 42607
be used first to make annual payments under division (D) of this 42608
section. If a balance remains in the fund after such payments 42609

are made in full for a year, the Ohio facilities construction 42610
commission may request the controlling board to transfer a 42611
reasonable amount from such remaining balance to the public 42612
school building fund created under section 3318.15 of the 42613
Revised Code for the purposes of this chapter. 42614

All investment earnings arising from investment of money 42615
in the half-mill equalization fund shall be credited to the 42616
fund. 42617

Sec. 3318.363. (A) This section applies beginning in 42618
fiscal year 2003 and only to a school district participating in 42619
the school building assistance expedited local partnership 42620
program under section 3318.36 of the Revised Code. 42621

(B) If there is a decrease in the tax valuation of a 42622
school district to which this section applies by ten per cent or 42623
greater from one tax year to the next due to a decrease in the 42624
assessment rate of the taxable property of an electric company 42625
that owns property in the district, as provided for in section 42626
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 42627
the 123rd General Assembly, the Ohio facilities construction 42628
commission shall calculate or recalculate the state and school 42629
district portions of the basic project cost of the school 42630
district's project by determining the percentile rank in which 42631
the district would be located if such ranking were made using 42632
the adjusted valuation per pupil calculated under division (C) 42633
of this section rather than the three-year average adjusted 42634
valuation per pupil, calculated under division (B) of section 42635
3318.011 of the Revised Code. For such district, the required 42636
percentage of the basic project cost used to determine the state 42637
and school district shares of that cost under division (C) of 42638
section 3318.36 of the Revised Code shall be based on the 42639

percentile rank as calculated under this section rather than as 42640
otherwise provided in division (C) (1) of section 3318.36 of the 42641
Revised Code. If the commission has determined the state and 42642
school district portion of the basic project cost of such a 42643
district's project under section 3318.36 of the Revised Code 42644
prior to that decrease in tax valuation, the commission shall 42645
adjust the state and school district shares of the basic project 42646
cost of such project in accordance with this section. 42647

(C) (1) As used in divisions (C) and (D) of this section, 42648
"total taxable value" and "formula ADM" have the same meanings 42649
as in section 3317.02 of the Revised Code, and "income factor" 42650
has the same meaning as in section 3318.011 of the Revised Code. 42651

(2) The adjusted valuation per pupil for a school district 42652
to which this section applies shall be calculated using the 42653
following formula: 42654

(The district's total taxable value for the tax year 42655
preceding the calendar year in which the current fiscal year 42656
begins / the district's formula ADM for the previous fiscal 42657
year) - [\$30,000 x (1 - the district's income factor)]. 42658

(D) At the request of the Ohio facilities construction 42659
commission, the department of education and workforce shall 42660
report a district's total taxable value for the tax year 42661
preceding the calendar year in which the current fiscal year 42662
begins for any district to which this section applies as that 42663
information has been certified to the department by the tax 42664
commissioner pursuant to section 3317.021 of the Revised Code. 42665

Sec. 3318.42. (A) Not later than the sixty-first day after 42666
March 14, 2003, and subsequently not later than the sixty-first 42667
day after the first day of each ensuing fiscal year, the 42668

department of education and workforce shall do all of the 42669
following: 42670

(1) Calculate the valuation per pupil of each joint 42671
vocational school district according to the following formula: 42672

The school district's average taxable value divided by the 42673
school district's formula ADM calculated under section 3317.03 42674
of the Revised Code for the previous fiscal year. For purposes 42675
of this calculation: 42676

(a) "Average taxable value" means the average of the 42677
amounts certified for a school district in the second, third, 42678
and fourth preceding tax years under divisions (A) (1) and (2) of 42679
section 3317.021 of the Revised Code. 42680

(b) "Formula ADM" has the same meaning as defined in 42681
section 3317.02 of the Revised Code. 42682

(2) Calculate for each school district the three-year 42683
average of the valuations per pupil calculated for the school 42684
district for the current and two preceding fiscal years; 42685

(3) Rank all joint vocational school districts in order 42686
from the school district with the lowest three-year average 42687
valuation per pupil to the school district with the highest 42688
three-year average valuation per pupil; 42689

(4) Divide the ranking under division (A) (3) of this 42690
section into percentiles with the first percentile containing 42691
the one per cent of school districts having the lowest three- 42692
year average valuations per pupil and the one-hundredth 42693
percentile containing the one per cent of school districts 42694
having the highest three-year average valuations per pupil; 42695

(5) Certify the information described in divisions (A) (1) 42696

to (4) of this section to the Ohio facilities construction 42697
commission. 42698

(B) The commission annually shall select school districts 42699
for assistance under sections 3318.40 to 3318.45 of the Revised 42700
Code in the order of the school districts' three-year average 42701
valuations per pupil such that the school district with the 42702
lowest three-year average valuation per pupil shall be given the 42703
highest priority for assistance. 42704

(C) Each joint vocational school district's portion of the 42705
basic project cost of the school district's project under 42706
sections 3318.40 to 3318.45 of the Revised Code shall be one per 42707
cent times the percentile in which the district ranks, except 42708
that no school district's portion shall be less than twenty-five 42709
per cent or greater than ninety-five per cent of the basic 42710
project cost. 42711

Sec. 3319.02. (A) (1) As used in this section, "other 42712
administrator" means any of the following: 42713

(a) Except as provided in division (A) (2) of this section, 42714
any employee in a position for which a board of education 42715
requires a license designated by rule of the ~~department~~state 42716
board of education for being an administrator issued under 42717
section 3319.22 of the Revised Code, including a professional 42718
pupil services employee or administrative specialist or an 42719
equivalent of either one who is not employed as a school 42720
counselor and spends less than fifty per cent of the time 42721
employed teaching or working with students; 42722

(b) Any nonlicensed employee whose job duties enable such 42723
employee to be considered as either a "supervisor" or a 42724
"management level employee," as defined in section 4117.01 of 42725

the Revised Code; 42726

(c) A business manager appointed under section 3319.03 of 42727
the Revised Code. 42728

(2) As used in this section, "other administrator" does 42729
not include a superintendent, assistant superintendent, 42730
principal, or assistant principal. 42731

(B) The board of education of each school district and the 42732
governing board of an educational service center may appoint one 42733
or more assistant superintendents and such other administrators 42734
as are necessary. An assistant educational service center 42735
superintendent or service center supervisor employed on a part- 42736
time basis may also be employed by a local board as a teacher. 42737
The board of each city, exempted village, and local school 42738
district shall employ principals for all high schools and for 42739
such other schools as the board designates, and those boards may 42740
appoint assistant principals for any school that they designate. 42741

(C) In educational service centers and in city, exempted 42742
village, and local school districts, assistant superintendents, 42743
principals, assistant principals, and other administrators shall 42744
only be employed or reemployed in accordance with nominations of 42745
the superintendent, except that a board of education of a school 42746
district or the governing board of a service center, by a three- 42747
fourths vote of its full membership, may reemploy any assistant 42748
superintendent, principal, assistant principal, or other 42749
administrator whom the superintendent refuses to nominate. 42750

The board of education or governing board shall execute a 42751
written contract of employment with each assistant 42752
superintendent, principal, assistant principal, and other 42753
administrator it employs or reemploys. The term of such contract 42754

shall not exceed three years except that in the case of a person 42755
who has been employed as an assistant superintendent, principal, 42756
assistant principal, or other administrator in the district or 42757
center for three years or more, the term of the contract shall 42758
be for not more than five years and, unless the superintendent 42759
of the district recommends otherwise, not less than two years. 42760
If the superintendent so recommends, the term of the contract of 42761
a person who has been employed by the district or service center 42762
as an assistant superintendent, principal, assistant principal, 42763
or other administrator for three years or more may be one year, 42764
but all subsequent contracts granted such person shall be for a 42765
term of not less than two years and not more than five years. 42766
When a teacher with continuing service status becomes an 42767
assistant superintendent, principal, assistant principal, or 42768
other administrator with the district or service center with 42769
which the teacher holds continuing service status, the teacher 42770
retains such status in the teacher's nonadministrative position 42771
as provided in sections 3311.77, 3319.08, and 3319.09 of the 42772
Revised Code. 42773

A board of education or governing board may reemploy an 42774
assistant superintendent, principal, assistant principal, or 42775
other administrator at any regular or special meeting held 42776
during the period beginning on the first day of January of the 42777
calendar year immediately preceding the year of expiration of 42778
the employment contract and ending on the first day of June of 42779
the year the employment contract expires. 42780

Except by mutual agreement of the parties thereto, no 42781
assistant superintendent, principal, assistant principal, or 42782
other administrator shall be transferred during the life of a 42783
contract to a position of lesser responsibility. No contract may 42784
be terminated by a board except pursuant to section 3319.16 of 42785

the Revised Code. No contract may be suspended except pursuant 42786
to section 3319.17 or 3319.171 of the Revised Code. The salaries 42787
and compensation prescribed by such contracts shall not be 42788
reduced by a board unless such reduction is a part of a uniform 42789
plan affecting the entire district or center. The contract shall 42790
specify the employee's administrative position and duties as 42791
included in the job description adopted under division (D) of 42792
this section, the salary and other compensation to be paid for 42793
performance of duties, the number of days to be worked, the 42794
number of days of vacation leave, if any, and any paid holidays 42795
in the contractual year. 42796

An assistant superintendent, principal, assistant 42797
principal, or other administrator is, at the expiration of the 42798
current term of employment, deemed reemployed at the same salary 42799
plus any increments that may be authorized by the board, unless 42800
such employee notifies the board in writing to the contrary on 42801
or before the fifteenth day of June, or unless such board, on or 42802
before the first day of June of the year in which the contract 42803
of employment expires, either reemploys such employee for a 42804
succeeding term or gives written notice of its intention not to 42805
reemploy the employee. The term of reemployment of a person 42806
reemployed under this paragraph shall be one year, except that 42807
if such person has been employed by the school district or 42808
service center as an assistant superintendent, principal, 42809
assistant principal, or other administrator for three years or 42810
more, the term of reemployment shall be two years. 42811

(D) (1) Each board shall adopt procedures for the 42812
evaluation of all assistant superintendents, principals, 42813
assistant principals, and other administrators and shall 42814
evaluate such employees in accordance with those procedures. The 42815
procedures for the evaluation of principals and assistant 42816

principals shall be based on principles comparable to the 42817
teacher evaluation policy adopted by the board under section 42818
3319.111 of the Revised Code, but shall be tailored to the 42819
duties and responsibilities of principals and assistant 42820
principals and the environment in which they work. An evaluation 42821
based upon procedures adopted under this division shall be 42822
considered by the board in deciding whether to renew the 42823
contract of employment of an assistant superintendent, 42824
principal, assistant principal, or other administrator. 42825

(2) The evaluation shall measure each assistant 42826
superintendent's, principal's, assistant principal's, and other 42827
administrator's effectiveness in performing the duties included 42828
in the job description and the evaluation procedures shall 42829
provide for, but not be limited to, the following: 42830

(a) Each assistant superintendent, principal, assistant 42831
principal, and other administrator shall be evaluated annually 42832
through a written evaluation process. 42833

(b) The evaluation shall be conducted by the 42834
superintendent or designee. 42835

(c) In order to provide time to show progress in 42836
correcting the deficiencies identified in the evaluation 42837
process, the evaluation process shall be completed as follows: 42838

(i) In any school year that the employee's contract of 42839
employment is not due to expire, at least one evaluation shall 42840
be completed in that year. A written copy of the evaluation 42841
shall be provided to the employee no later than the end of the 42842
employee's contract year as defined by the employee's annual 42843
salary notice. 42844

(ii) In any school year that the employee's contract of 42845

employment is due to expire, at least a preliminary evaluation 42846
and at least a final evaluation shall be completed in that year. 42847
A written copy of the preliminary evaluation shall be provided 42848
to the employee at least sixty days prior to any action by the 42849
board on the employee's contract of employment. The final 42850
evaluation shall indicate the superintendent's intended 42851
recommendation to the board regarding a contract of employment 42852
for the employee. A written copy of the evaluation shall be 42853
provided to the employee at least five days prior to the board's 42854
acting to renew or not renew the contract. 42855

(3) Termination of an assistant superintendent, principal, 42856
assistant principal, or other administrator's contract shall be 42857
pursuant to section 3319.16 of the Revised Code. Suspension of 42858
any such employee shall be pursuant to section 3319.17 or 42859
3319.171 of the Revised Code. 42860

(4) Before taking action to renew or nonrenew the contract 42861
of an assistant superintendent, principal, assistant principal, 42862
or other administrator under this section and prior to the first 42863
day of June of the year in which such employee's contract 42864
expires, the board shall notify each such employee of the date 42865
that the contract expires and that the employee may request a 42866
meeting with the board. Upon request by such an employee, the 42867
board shall grant the employee a meeting in executive session. 42868
In that meeting, the board shall discuss its reasons for 42869
considering renewal or nonrenewal of the contract. The employee 42870
shall be permitted to have a representative, chosen by the 42871
employee, present at the meeting. 42872

(5) The establishment of an evaluation procedure shall not 42873
create an expectancy of continued employment. Nothing in 42874
division (D) of this section shall prevent a board from making 42875

the final determination regarding the renewal or nonrenewal of 42876
the contract of any assistant superintendent, principal, 42877
assistant principal, or other administrator. However, if a board 42878
fails to provide evaluations pursuant to division (D) (2) (c) (i) 42879
or (ii) of this section, or if the board fails to provide at the 42880
request of the employee a meeting as prescribed in division (D) 42881
(4) of this section, the employee automatically shall be 42882
reemployed at the same salary plus any increments that may be 42883
authorized by the board for a period of one year, except that if 42884
the employee has been employed by the district or service center 42885
as an assistant superintendent, principal, assistant principal, 42886
or other administrator for three years or more, the period of 42887
reemployment shall be for two years. 42888

(E) On nomination of the superintendent of a service 42889
center a governing board may employ supervisors who shall be 42890
employed under written contracts of employment for terms not to 42891
exceed five years each. Such contracts may be terminated by a 42892
governing board pursuant to section 3319.16 of the Revised Code. 42893
Any supervisor employed pursuant to this division may terminate 42894
the contract of employment at the end of any school year after 42895
giving the board at least thirty days' written notice prior to 42896
such termination. On the recommendation of the superintendent 42897
the contract or contracts of any supervisor employed pursuant to 42898
this division may be suspended for the remainder of the term of 42899
any such contract pursuant to section 3319.17 or 3319.171 of the 42900
Revised Code. 42901

(F) A board may establish vacation leave for any 42902
individuals employed under this section. Upon such an 42903
individual's separation from employment, a board that has such 42904
leave may compensate such an individual at the individual's 42905
current rate of pay for all lawfully accrued and unused vacation 42906

leave credited at the time of separation, not to exceed the 42907
amount accrued within three years before the date of separation. 42908
In case of the death of an individual employed under this 42909
section, such unused vacation leave as the board would have paid 42910
to the individual upon separation under this section shall be 42911
paid in accordance with section 2113.04 of the Revised Code, or 42912
to the estate. 42913

(G) The board of education of any school district may 42914
contract with the governing board of the educational service 42915
center from which it otherwise receives services to conduct 42916
searches and recruitment of candidates for assistant 42917
superintendent, principal, assistant principal, and other 42918
administrator positions authorized under this section. 42919

Sec. 3319.073. (A) The board of education of each city and 42920
exempted village school district and the governing board of each 42921
educational service center shall adopt or adapt the curriculum 42922
developed by the department of education and workforce for, or 42923
shall develop in consultation with public or private agencies or 42924
persons involved in child abuse prevention or intervention 42925
programs, a program of in-service training in the prevention of 42926
child abuse, violence, and substance abuse and the promotion of 42927
positive youth development. Each person employed by any school 42928
district or service center to work in a school as a nurse, 42929
teacher, counselor, school psychologist, or administrator shall 42930
complete at least four hours of the in-service training within 42931
two years of commencing employment with the district or center, 42932
and every five years thereafter. A person who is employed by any 42933
school district or service center to work in an elementary 42934
school as a nurse, teacher, counselor, school psychologist, or 42935
administrator on March 30, 2007, shall complete at least four 42936
hours of the in-service training not later than March 30, 2009, 42937

and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.

(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 42968
adapt the curriculum developed by the department under section 42969
3301.221 of the Revised Code or shall develop its own curriculum 42970
in consultation with public or private agencies or persons 42971
involved in youth suicide awareness and prevention programs. 42972

The training completed under this division shall count 42973
toward the satisfaction of requirements for professional 42974
development required by the school district or service center 42975
board, and the training may be accomplished through self-review 42976
of suitable suicide prevention materials approved by the board. 42977

Sec. 3319.074. (A) As used in this section: 42978

(1) "Core subject area" means reading and English language 42979
arts, mathematics, science, social studies, foreign language, 42980
and fine arts. 42981

(2) "Properly certified or licensed teacher" means a 42982
classroom teacher who has successfully completed all 42983
requirements for certification or licensure under this chapter 42984
applicable to the subject areas and grade levels in which the 42985
teacher provides instruction and the students to whom the 42986
teacher provides the instruction. 42987

(3) "Properly certified paraprofessional" means a 42988
paraprofessional who holds an educational aide permit issued 42989
under section 3319.088 of the Revised Code and satisfies at 42990
least one of the following conditions: 42991

(a) Has a designation of "ESEA qualified" on the 42992
educational aide permit; 42993

(b) Has successfully completed at least two years of 42994
coursework at an accredited institution of higher education; 42995

(c) Holds an associate degree or higher from an accredited institution of higher education; 42996
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(d) Meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education and workforce. 42998
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(B) Beginning July 1, 2019, no city, exempted village, local, joint vocational, or cooperative education school district shall do either of the following: 43001
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(1) Employ any classroom teacher to provide instruction in a core subject area to any student, unless such teacher is a properly certified or licensed teacher; 43004
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(2) Employ any paraprofessional in a program supported with funds received under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to provide academic support in a core subject area to any student, unless such paraprofessional is a properly certified paraprofessional. 43007
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(C) At the start of each school year, each school district shall notify the parent or guardian of each student enrolled in the district that the parent or guardian may request information on the professional qualifications of each classroom teacher who provides instruction to the student. The district shall provide the information on each applicable teacher in a timely manner to any parent or guardian who requests it. Such information shall include at least the following: 43013
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(1) Whether the teacher has satisfied 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 43021
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instruction, or whether the teacher provides instruction under a 43025
waiver of any such requirements; 43026

(2) Whether a paraprofessional provides any services to 43027
the student and, if so, the qualifications of the 43028
paraprofessional. 43029

Sec. 3319.077. (A) As used in this section: 43030

(1) "Dyslexia" has the same meaning as in section 3323.25 43031
of the Revised Code. 43032

(2) "Ohio dyslexia committee" means the committee 43033
established under section 3325.25 of the Revised Code. 43034

(3) "Special education" has the same meaning as in section 43035
3323.01 of the Revised Code. 43036

(4) "Teacher" does not include any teacher who provides 43037
instruction in fine arts, music, or physical education. 43038

(B) (1) The department of education and workforce, in 43039
collaboration with the Ohio dyslexia committee, shall maintain a 43040
list of training that fulfills the professional development 43041
requirements prescribed in division (C) of this section. The 43042
list may consist of online or classroom learning models. 43043

(2) Each approved training shall align with the guidebook 43044
developed under section 3323.25 of the Revised Code, be 43045
evidence-based, and require instruction and training for 43046
identifying characteristics of dyslexia and understanding the 43047
pedagogy for instructing students with dyslexia. 43048

(3) The Ohio dyslexia committee shall prescribe a total 43049
number of clock hours of instruction in training approved under 43050
this section for a teacher to complete to satisfy the 43051
professional development requirements prescribed in division (C) 43052

of this section. The Ohio dyslexia committee shall prescribe a 43053
total number of clock hours that is not less than six clock 43054
hours and not more than eighteen clock hours. 43055

(C) (1) Not later than the beginning of the 2023-2024 43056
school year, each teacher employed by a local, city, or exempted 43057
village school district who provides instruction for students in 43058
kindergarten and first grade, including those providing special 43059
education instruction, shall complete the number of 43060
instructional hours in approved professional development 43061
training required by the committee under this section. 43062

(2) Not later than the beginning of the 2024-2025 school 43063
year, each teacher employed by a school district who provides 43064
instruction for students in grades two and three, including 43065
those providing special education instruction, shall complete 43066
the number of instructional hours in approved professional 43067
development training required by the committee under this 43068
section. 43069

(3) Not later than the beginning of the 2025-2026 school 43070
year, each teacher employed by a school district who provides 43071
special education instruction for students in grades four 43072
through twelve shall complete a professional development 43073
training approved under division (B) of this section. 43074

(D) Any professional development training completed by a 43075
teacher prior to April 12, 2021, that is then included on the 43076
list of training approved under division (B) (1) of this section 43077
shall count toward the number of instructional hours in approved 43078
professional development training required under division (C) of 43079
this section. 43080

(E) Nothing in this section shall prohibit a school 43081

district from requiring employees who are not subject to this 43082
section from completing professional development training 43083
approved under division (B) of this section. 43084

Sec. 3319.111. Notwithstanding section 3319.09 of the 43085
Revised Code, this section applies to any person who is employed 43086
under a teacher license issued under this chapter, or under a 43087
professional or permanent teacher's certificate issued under 43088
former section 3319.222 of the Revised Code, and who spends at 43089
least fifty per cent of the time employed providing student 43090
instruction. However, this section does not apply to any person 43091
who is employed as a substitute teacher or as an instructor of 43092
adult education. 43093

(A) ~~Not later than July 1, 2020, the~~ The board of 43094
education of each school district, in consultation with teachers 43095
employed by the board, shall update its standards-based teacher 43096
evaluation policy to conform with the framework for evaluation 43097
of teachers adopted under section 3319.112 of the Revised Code. 43098
The policy shall become operative at the expiration of any 43099
collective bargaining agreement covering teachers employed by 43100
the board that is in effect ~~on the effective date of this~~ 43101
~~amendment~~ November 2, 2018, and shall be included in any renewal 43102
or extension of such an agreement. 43103

(B) When using measures of student performance as evidence 43104
in a teacher's evaluation, those measures shall be high-quality 43105
student data. The board of education of each school district may 43106
use data from the assessments on the list developed under 43107
division (B) (2) of section 3319.112 of the Revised Code as high- 43108
quality student data. 43109

(C) (1) The board shall conduct an evaluation of each 43110
teacher employed by the board at least once each school year, 43111

except as provided in division (C) (2) of this section. The 43112
evaluation shall be completed by the first day of May and the 43113
teacher shall receive a written report of the results of the 43114
evaluation by the tenth day of May. 43115

(2) (a) The board may evaluate each teacher who received a 43116
rating of accomplished on the teacher's most recent evaluation 43117
conducted under this section once every three school years, so 43118
long as the teacher submits a self-directed professional growth 43119
plan to the evaluator that focuses on specific areas identified 43120
in the observations and evaluation and the evaluator determines 43121
that the teacher is making progress on that plan. 43122

(b) The board may evaluate each teacher who received a 43123
rating of skilled on the teacher's most recent evaluation 43124
conducted under this section once every two years, so long as 43125
the teacher and evaluator jointly develop a professional growth 43126
plan for the teacher that focuses on specific areas identified 43127
in the observations and evaluation and the evaluator determines 43128
that the teacher is making progress on that plan. 43129

(c) For each teacher who is evaluated pursuant to division 43130
(C) (2) of this section, the evaluation shall be completed by the 43131
first day of May of the applicable school year, and the teacher 43132
shall receive a written report of the results of the evaluation 43133
by the tenth day of May of that school year. 43134

(d) The board may elect not to conduct an evaluation of a 43135
teacher who meets one of the following requirements: 43136

(i) The teacher was on leave from the school district for 43137
fifty per cent or more of the school year, as calculated by the 43138
board. 43139

(ii) The teacher has submitted notice of retirement and 43140

that notice has been accepted by the board not later than the 43141
first day of December of the school year in which the evaluation 43142
is otherwise scheduled to be conducted. 43143

(e) The board may elect not to conduct an evaluation of a 43144
teacher who is participating in the teacher residency program 43145
established under section 3319.223 of the Revised Code for the 43146
year during which that teacher takes, for the first time, at 43147
least half of the performance-based assessment prescribed by the 43148
state board of education for resident educators. 43149

(3) In any year that a teacher is not formally evaluated 43150
pursuant to division (C) of this section as a result of 43151
receiving a rating of accomplished or skilled on the teacher's 43152
most recent evaluation, an individual qualified to evaluate a 43153
teacher under division (D) of this section shall conduct at 43154
least one observation of the teacher and hold at least one 43155
conference with the teacher. The conference shall include a 43156
discussion of progress on the teacher's professional growth 43157
plan. 43158

(D) Each evaluation conducted pursuant to this section 43159
shall be conducted by one or more of the following persons who 43160
hold a credential established by the ~~department~~ state board of 43161
education for being an evaluator: 43162

(1) A person who is under contract with the board pursuant 43163
to section 3319.01 or 3319.02 of the Revised Code and holds a 43164
license designated for being a superintendent, assistant 43165
superintendent, or principal issued under section 3319.22 of the 43166
Revised Code; 43167

(2) A person who is under contract with the board pursuant 43168
to section 3319.02 of the Revised Code and holds a license 43169

designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the ~~department of education~~ state board the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned

each rating prescribed under division (B) (1) of section 3319.112 43199
of the Revised Code, aggregated by the teacher preparation 43200
programs from which and the years in which the teachers 43201
graduated. The ~~department~~ state board shall establish guidelines 43202
for reporting the information required by this division. The 43203
guidelines shall not permit or require that the name of, or any 43204
other personally identifiable information about, any teacher be 43205
reported under this division. 43206

(H) Notwithstanding any provision to the contrary in 43207
Chapter 4117. of the Revised Code, the requirements of this 43208
section prevail over any conflicting provisions of a collective 43209
bargaining agreement entered into on or after ~~the effective date~~ 43210
~~of this amendment~~ November 2, 2018. 43211

Sec. 3319.112. (A) The state board of education shall 43212
revise the standards-based state framework for the evaluation of 43213
teachers based on the recommendations of the educator standards 43214
board established under section 3319.60 of the Revised Code. The 43215
state board shall hold at least one public hearing on the 43216
revised framework and shall make the full text of the revised 43217
framework available at each hearing it holds on the revised 43218
framework. ~~Not later than May 1, 2020, the~~ The state board shall 43219
adopt the revised framework. The state board may update the 43220
framework periodically by adoption of a resolution. The 43221
framework shall establish an evaluation system that does the 43222
following: 43223

- (1) Provides for multiple evaluation factors; 43224
- (2) Is aligned with the standards for teachers adopted 43225
under section 3319.61 of the Revised Code; 43226
- (3) Requires observation of the teacher being evaluated, 43227

including at least two formal observations by the evaluator of 43228
at least thirty minutes each and classroom walk-throughs; 43229

(4) Assigns a rating on each evaluation in accordance with 43230
division (B) of this section; 43231

(5) Requires each teacher to be provided with a written 43232
report of the results of the teacher's evaluation; 43233

(6) Uses at least two measures of high-quality student 43234
data to provide evidence of student learning attributable to the 43235
teacher being evaluated. The state board shall define "high- 43236
quality student data" for this purpose. When applicable to the 43237
grade level or subject area taught by a teacher, high-quality 43238
student data shall include the value-added progress dimension 43239
established under section 3302.021 of the Revised Code, but the 43240
teacher or evaluator shall use at least one other measure of 43241
high-quality student data to demonstrate student learning. In 43242
accordance with the guidance described in division (D)(3) of 43243
this section, high-quality student data may be used as evidence 43244
in any component of the evaluation related to the following: 43245

(a) Knowledge of the students to whom the teacher provides 43246
instruction; 43247

(b) The teacher's use of differentiated instructional 43248
practices based on the needs or abilities of individual 43249
students; 43250

(c) Assessment of student learning; 43251

(d) The teacher's use of assessment data; 43252

(e) Professional responsibility and growth. 43253

(7) Prohibits the shared attribution of student 43254
performance data among all teachers in a district, building, 43255

grade, content area, or other group;	43256
(8) Includes development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under the "Elementary and Secondary Education Act of 1965," as amended by the "Every Student Succeeds Act of 2015," Pub. L. No. 114-95, 20 U.S.C. 6301 et seq.;	43257 43258 43259 43260 43261 43262 43263
(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	43264 43265 43266
(10) Provides for the allocation of financial resources to support professional development;	43267 43268
(11) Prohibits the use of student learning objectives.	43269
(B) For purposes of the framework adopted under this section, the state board also shall do the following:	43270 43271
(1) Revise, as necessary, specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	43272 43273 43274 43275 43276
(a) Accomplished;	43277
(b) Skilled;	43278
(c) Developing;	43279
(d) Ineffective.	43280
(2) Develop a list of student assessments that measure mastery of the course content for the appropriate grade level,	43281 43282

which may include nationally normed standardized assessments, 43283
industry certification examinations, or end-of-course 43284
examinations. The data from these assessments may be considered 43285
high-quality student data. 43286

(C) The state board shall consult with experts, teachers 43287
and principals employed in public schools, the educator 43288
standards board, and representatives of stakeholder groups in 43289
revising the standards and criteria required by division (B) (1) 43290
of this section. 43291

(D) To assist school districts in developing evaluation 43292
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 43293
of the Revised Code, the ~~department~~state board shall do all of 43294
the following: 43295

(1) Serve as a clearinghouse of promising evaluation 43296
procedures and evaluation models that districts may use; 43297

(2) Provide technical assistance to districts in creating 43298
evaluation policies; 43299

(3) Provide guidance to districts on how high-quality 43300
student data may be used as evidence of student learning 43301
attributable to a particular teacher, including examples of 43302
appropriate use of that data within the framework adopted under 43303
this section; 43304

(4) Provide guidance to districts on how information from 43305
student surveys, student portfolios, peer review evaluations, 43306
teacher self-evaluations, and other components determined 43307
appropriate by the district may be used as part of the 43308
evaluation process. 43309

(E) Not later than July 1, 2020, the state board, in 43310
consultation with state agencies that employ teachers, shall 43311

update its standards-based framework for the evaluation of 43312
teachers employed by those agencies. Each state agency that 43313
employs teachers shall adopt a standards-based teacher 43314
evaluation policy to conform with the framework. The policy 43315
shall become operative at the expiration of any collective 43316
bargaining agreement covering teachers employed by the agency 43317
that is in effect ~~on the effective date of this amendment~~ 43318
November 2, 2018, and shall be included in any renewal or 43319
extension of such an agreement. However, this division does not 43320
apply to any person who is employed as a substitute teacher or 43321
as an instructor of adult education. 43322

Sec. 3319.113. (A) ~~Not later than May 31, 2016, the~~ The 43323
state board of education shall develop a standards-based state 43324
framework for the evaluation of school counselors. The state 43325
board may update the framework periodically by adoption of a 43326
resolution. The framework shall establish an evaluation system 43327
that does the following: 43328

(1) Requires school counselors to demonstrate their 43329
ability to produce positive student outcomes using metrics, 43330
including those from the school or school district's report card 43331
issued under section 3302.03 of the Revised Code when 43332
appropriate; 43333

(2) Is aligned with the standards for school counselors 43334
adopted under section 3319.61 of the Revised Code and requires 43335
school counselors to demonstrate their ability in all the areas 43336
identified by those standards; 43337

(3) Requires that all school counselors be evaluated 43338
annually, except as otherwise appropriate for high-performing 43339
school counselors or as specified in division (D) of this 43340
section; 43341

(4) Assigns a rating on each evaluation in accordance with	43342
division (B) of this section;	43343
(5) Designates the personnel that may conduct evaluations	43344
of school counselors in accordance with this framework;	43345
(6) Requires that each school counselor be provided with a	43346
written report of the results of that school counselor's	43347
evaluation;	43348
(7) Provides for professional development to accelerate	43349
and continue school counselor growth and provide support to	43350
poorly performing school counselors.	43351
(B) (1) The state board shall develop specific standards	43352
and criteria that distinguish between the following levels of	43353
performance for school counselors for the purposes of assigning	43354
ratings on the evaluations conducted under this section:	43355
(a) Accomplished;	43356
(b) Skilled;	43357
(c) Developing;	43358
(d) Ineffective.	43359
(2) The state board shall consult with experts, school	43360
counselors and principals employed in public schools, and	43361
representatives of stakeholder groups in developing the	43362
standards and criteria required by division (B) (1) of this	43363
section.	43364
(C) (1) Not later than September 30, 2016, each school	43365
district board of education shall adopt a standards-based school	43366
counselor evaluation policy that conforms with the framework for	43367
the evaluation of school counselors developed under this	43368

section. The policy shall become operative at the expiration of 43369
any collective bargaining agreement covering school counselors 43370
employed by the board that is in effect on September 29, 2015, 43371
and shall be included in any renewal or extension of such an 43372
agreement. 43373

(2) A district board shall include both of the following 43374
in its evaluation policy: 43375

(a) The implementation of the framework for the evaluation 43376
of school counselors developed under this section beginning in 43377
the 2016-2017 school year; 43378

(b) Procedures for using the evaluation results, beginning 43379
in the 2017-2018 school year, for both of the following: 43380

(i) Decisions regarding retention and promotion of school 43381
counselors; 43382

(ii) Removal of poorly performing school counselors. 43383

(D) Beginning with the 2017-2018 school year, a district 43384
board may elect not to conduct an evaluation of a school 43385
counselor who meets one of the following requirements: 43386

(1) The school counselor was on leave from the school 43387
district for fifty per cent or more of the school year, as 43388
calculated by the board. 43389

(2) The school counselor has submitted notice of 43390
retirement and that notice has been accepted by the board not 43391
later than the first day of December of the school year in which 43392
the evaluation is otherwise scheduled to be conducted. 43393

(E) Each district board shall annually submit a report to 43394
the ~~department of education~~ state board, in a form and manner 43395
prescribed by the ~~department~~ state board, regarding its 43396

implementation of division (C) of this section. At no time shall 43397
the ~~department~~state board permit or require that the name or 43398
personally identifiable information of any school counselor be 43399
reported to the ~~department~~state board under this division. 43400

(F) Notwithstanding any provision to the contrary in 43401
Chapter 4117. of the Revised Code, the requirements of this 43402
section prevail over any conflicting provision of a collective 43403
bargaining agreement entered into on or after September 29, 43404
2015. 43405

Sec. 3319.143. Notwithstanding section 3319.141 of the 43406
Revised Code, the board of education of a city, exempted 43407
village, local or joint vocational school district may adopt a 43408
policy of assault leave by which an employee who is absent due 43409
to physical disability resulting from an assault which occurs in 43410
the course of board employment will be maintained on full pay 43411
status during the period of such absence. A board of education 43412
electing to effect such a policy of assault leave shall 43413
establish rules for the entitlement, crediting, and use of 43414
assault leave and file a copy of same with the ~~state board~~
department of education and workforce. A board of education 43415
adopting this policy shall require an employee to furnish a 43416
signed statement on forms prescribed by such board to justify 43417
the use of assault leave. If medical attention is required, a 43418
certificate from a licensed physician stating the nature of the 43419
disability and its duration shall be required before assault 43420
leave can be approved for payment. Falsification of either a 43421
signed statement or a physician's certificate is ground for 43422
suspension or termination of employment under section 3311.82 or 43423
3319.16 of the Revised Code. 43424
43425

Assault leave granted under rules adopted by a board of 43426

education pursuant to this section shall not be charged against 43427
sick leave earned or earnable under section 3319.141 of the 43428
Revised Code or leave granted under rules adopted by a board of 43429
education pursuant to section 3311.77 or 3319.08 of the Revised 43430
Code. This section shall be uniformly administered in those 43431
districts where such policy is adopted. 43432

Sec. 3319.151. (A) As used in this section, "assessment" 43433
means an assessment administered under section 3301.0711 of the 43434
Revised Code. 43435

(B) No person shall do any of the following: 43436

(1) Reveal to any student any specific question that the 43437
person knows is part of an assessment or in any other way assist 43438
a pupil to cheat on an assessment; 43439

(2) Obtain prior knowledge of the contents of an 43440
assessment; 43441

(3) Use prior knowledge of the contents of an assessment 43442
to assist students in preparing for the assessment; 43443

(4) Fail to comply with any rule adopted by the department 43444
of education and workforce regarding security protocols for an 43445
assessment. 43446

(C) On a finding by the state board of education, after 43447
investigation, that a school employee who holds a license, as 43448
defined in section 3319.31 of the Revised Code, has violated 43449
division (B) of this section, the state board shall take any 43450
action against the employee under section 3319.31 of the Revised 43451
Code that it considers appropriate, based on the nature and 43452
extent of the violation. The state board shall give the employee 43453
notice of the allegation upon commencing an investigation and 43454
shall give the employee an opportunity to respond prior to 43455

taking any disciplinary action. 43456

(D) (1) Violation of division (B) of this section is 43457
grounds for termination of employment of a nonteaching employee 43458
under division (C) of section 3319.081 or section 124.34 of the 43459
Revised Code. 43460

(2) Violation of division (B) of this section is grounds 43461
for termination of a teacher contract under section 3311.82 or 43462
3319.16 of the Revised Code. 43463

Sec. 3319.16. The contract of any teacher employed by the 43464
board of education of any city, exempted village, local, county, 43465
or joint vocational school district may not be terminated except 43466
for good and just cause. Notwithstanding any provision to the 43467
contrary in Chapter 4117. of the Revised Code, the provisions of 43468
this section relating to the grounds for termination of the 43469
contract of a teacher prevail over any conflicting provisions of 43470
a collective bargaining agreement entered into after ~~the~~ 43471
~~effective date of this amendment~~ October 16, 2009. 43472

Before terminating any contract, the employing board shall 43473
furnish the teacher a written notice signed by its treasurer of 43474
its intention to consider the termination of the teacher's 43475
contract with full specification of the grounds for such 43476
consideration. The board shall not proceed with formal action to 43477
terminate the contract until after the tenth day after receipt 43478
of the notice by the teacher. Within ten days after receipt of 43479
the notice from the treasurer of the board, the teacher may file 43480
with the treasurer a written demand for a hearing before the 43481
board or before a referee, and the board shall set a time for 43482
the hearing which shall be within thirty days from the date of 43483
receipt of the written demand, and the treasurer shall give the 43484
teacher at least twenty days' notice in writing of the time and 43485

place of the hearing. If a referee is demanded by either the 43486
teacher or board, the treasurer also shall give twenty days' 43487
notice to the ~~superintendent of public instruction~~ department of 43488
education and workforce. No hearing shall be held during the 43489
summer vacation without the teacher's consent. The hearing shall 43490
be private unless the teacher requests a public hearing. The 43491
hearing shall be conducted by a referee appointed pursuant to 43492
section 3319.161 of the Revised Code, if demanded; otherwise, it 43493
shall be conducted by a majority of the members of the board and 43494
shall be confined to the grounds given for the termination. The 43495
board shall provide for a complete stenographic record of the 43496
proceedings, a copy of the record to be furnished to the 43497
teacher. The board may suspend a teacher pending final action to 43498
terminate the teacher's contract if, in its judgment, the 43499
character of the charges warrants such action. 43500

Both parties may be present at such hearing, be 43501
represented by counsel, require witnesses to be under oath, 43502
cross-examine witnesses, take a record of the proceedings, and 43503
require the presence of witnesses in their behalf upon subpoena 43504
to be issued by the treasurer of the board. In case of the 43505
failure of any person to comply with a subpoena, a judge of the 43506
court of common pleas of the county in which the person resides, 43507
upon application of any interested party, shall compel 43508
attendance of the person by attachment proceedings as for 43509
contempt. Any member of the board or the referee may administer 43510
oaths to witnesses. After a hearing by a referee, the referee 43511
shall file a report within ten days after the termination of the 43512
hearing. After consideration of the referee's report, the board, 43513
by a majority vote, may accept or reject the referee's 43514
recommendation on the termination of the teacher's contract. 43515
After a hearing by the board, the board, by majority vote, may 43516

enter its determination upon its minutes. Any order of 43517
termination of a contract shall state the grounds for 43518
termination. If the decision, after hearing, is against 43519
termination of the contract, the charges and the record of the 43520
hearing shall be physically expunged from the minutes, and, if 43521
the teacher has suffered any loss of salary by reason of being 43522
suspended, the teacher shall be paid the teacher's full salary 43523
for the period of such suspension. 43524

Any teacher affected by an order of termination of 43525
contract may appeal to the court of common pleas of the county 43526
in which the school is located within thirty days after receipt 43527
of notice of the entry of such order. The appeal shall be an 43528
original action in the court and shall be commenced by the 43529
filing of a complaint against the board, in which complaint the 43530
facts shall be alleged upon which the teacher relies for a 43531
reversal or modification of such order of termination of 43532
contract. Upon service or waiver of summons in that appeal, the 43533
board immediately shall transmit to the clerk of the court for 43534
filing a transcript of the original papers filed with the board, 43535
a certified copy of the minutes of the board into which the 43536
termination finding was entered, and a certified transcript of 43537
all evidence adduced at the hearing or hearings before the board 43538
or a certified transcript of all evidence adduced at the hearing 43539
or hearings before the referee, whereupon the cause shall be at 43540
issue without further pleading and shall be advanced and heard 43541
without delay. The court shall examine the transcript and record 43542
of the hearing and shall hold such additional hearings as it 43543
considers advisable, at which it may consider other evidence in 43544
addition to the transcript and record. 43545

Upon final hearing, the court shall grant or deny the 43546
relief prayed for in the complaint as may be proper in 43547

accordance with the evidence adduced in the hearing. Such an 43548
action is a special proceeding, and either the teacher or the 43549
board may appeal from the decision of the court of common pleas 43550
pursuant to the Rules of Appellate Procedure and, to the extent 43551
not in conflict with those rules, Chapter 2505. of the Revised 43552
Code. 43553

In any court action, the board may utilize the services of 43554
the prosecuting attorney, village solicitor, city director of 43555
law, or other chief legal officer of a municipal corporation as 43556
authorized by section 3313.35 of the Revised Code, or may employ 43557
other legal counsel. 43558

A violation of division (A) (7) of section 2907.03 of the 43559
Revised Code is grounds for termination of a teacher contract 43560
under this section. 43561

Sec. 3319.161. For the purpose of providing referees for 43562
the hearings required by section 3319.16 of the Revised Code, 43563
the ~~superintendent of public instruction~~ department of education 43564
and workforce shall compile a list of resident electors from 43565
names that the ~~superintendent~~ department shall solicit annually 43566
from the state bar association. 43567

Upon receipt of notice that a referee has been demanded by 43568
a teacher or by a board of education, the ~~superintendent of~~ 43569
~~public instruction~~ department shall immediately designate three 43570
persons from such list, from whom the referee to hear the matter 43571
shall be chosen, and the ~~superintendent~~ department shall 43572
immediately notify the designees, the teacher, and the board of 43573
the school district involved. If within five days of receipt of 43574
the notice, the teacher and board are unable to select a 43575
mutually agreeable designee to serve as referee, the 43576
~~superintendent of public instruction~~ department shall appoint 43577

one of the three designees to serve as referee. The appointment 43578
of the referee shall be entered in the minutes of the board. The 43579
referee appointed shall be paid the referee's usual and 43580
customary fee for attending the hearing which shall be paid from 43581
the school district general fund upon vouchers approved by the 43582
~~superintendent of public instruction department~~ and presented to 43583
the treasurer of the district. No referee shall be a member of, 43584
an employee of, or teacher employed by the board of education 43585
nor related to any such person by consanguinity or marriage. 43586

Sec. 3319.22. (A) (1) The state board of education shall 43587
issue the following educator licenses: 43588

(a) A resident educator license, which shall be valid for 43589
four years and shall be renewable for reasons specified by rules 43590
adopted by the state board pursuant to division (A) (3) of this 43591
section. The state board, on a case-by-case basis, may extend 43592
the license's duration as necessary to enable the license holder 43593
to complete the Ohio teacher residency program established under 43594
section 3319.223 of the Revised Code; 43595

(b) A professional educator license, which shall be valid 43596
for five years and shall be renewable; 43597

(c) A senior professional educator license, which shall be 43598
valid for five years and shall be renewable; 43599

(d) A lead professional educator license, which shall be 43600
valid for five years and shall be renewable. 43601

Licenses issued under division (A) (1) of this section on 43602
and after ~~the effective date of this amendment~~ November 2, 2018, 43603
shall specify whether the educator is licensed to teach grades 43604
pre-kindergarten through five, grades four through nine, or 43605
grades seven through twelve. The changes to the grade band 43606

specifications under this amendment shall not apply to a person 43607
who holds a license under division (A) (1) of this section prior 43608
to ~~the effective date of this amendment~~ November 2, 2018. 43609

Further, the changes to the grade band specifications under this 43610
amendment shall not apply to any license issued to teach in the 43611
area of computer information science, bilingual education, 43612
dance, drama or theater, world language, health, library or 43613
media, music, physical education, teaching English to speakers 43614
of other languages, career-technical education, or visual arts 43615
or to any license issued to an intervention specialist, 43616
including a gifted intervention specialist, or to any other 43617
license that does not align to the grade band specifications. 43618

(2) The state board may issue any additional educator 43619
licenses of categories, types, and levels the board elects to 43620
provide. 43621

(3) The state board shall adopt rules establishing the 43622
standards and requirements for obtaining each educator license 43623
issued under this section. The rules shall also include the 43624
reasons for which a resident educator license may be renewed 43625
under division (A) (1) (a) of this section. 43626

(B) The rules adopted under this section shall require at 43627
least the following standards and qualifications for the 43628
educator licenses described in division (A) (1) of this section: 43629

(1) An applicant for a resident educator license shall 43630
hold at least a bachelor's degree from an accredited teacher 43631
preparation program or be a participant in the teach for America 43632
program and meet the qualifications required under section 43633
3319.227 of the Revised Code. 43634

(2) An applicant for a professional educator license 43635

shall: 43636

(a) Hold at least a bachelor's degree from an institution 43637
of higher education accredited by a regional accrediting 43638
organization; 43639

(b) Have successfully completed the Ohio teacher residency 43640
program established under section 3319.223 of the Revised Code, 43641
if the applicant's current or most recently issued license is a 43642
resident educator license issued under this section or an 43643
alternative resident educator license issued under section 43644
3319.26 of the Revised Code. 43645

(3) An applicant for a senior professional educator 43646
license shall: 43647

(a) Hold at least a master's degree from an institution of 43648
higher education accredited by a regional accrediting 43649
organization; 43650

(b) Have previously held a professional educator license 43651
issued under this section or section 3319.222 or under former 43652
section 3319.22 of the Revised Code; 43653

(c) Meet the criteria for the accomplished or 43654
distinguished level of performance, as described in the 43655
standards for teachers adopted by the state board under section 43656
3319.61 of the Revised Code. 43657

(4) An applicant for a lead professional educator license 43658
shall: 43659

(a) Hold at least a master's degree from an institution of 43660
higher education accredited by a regional accrediting 43661
organization; 43662

(b) Have previously held a professional educator license 43663

or a senior professional educator license issued under this 43664
section or a professional educator license issued under section 43665
3319.222 or former section 3319.22 of the Revised Code; 43666

(c) Meet the criteria for the distinguished level of 43667
performance, as described in the standards for teachers adopted 43668
by the state board under section 3319.61 of the Revised Code; 43669

(d) Either hold a valid certificate issued by the national 43670
board for professional teaching standards or meet the criteria 43671
for a master teacher or other criteria for a lead teacher 43672
adopted by the educator standards board under division (F) (4) or 43673
(5) of section 3319.61 of the Revised Code. 43674

(C) The state board shall align the standards and 43675
qualifications for obtaining a principal license with the 43676
standards for principals adopted by the state board under 43677
section 3319.61 of the Revised Code. 43678

(D) If the state board requires any examinations for 43679
educator licensure, the ~~department of education state board~~ 43680
shall provide the results of such examinations received by the 43681
~~department state board~~ to the chancellor of higher education, in 43682
the manner and to the extent permitted by state and federal law. 43683

(E) Any rules the state board of education adopts, amends, 43684
or rescinds for educator licenses under this section, ~~division~~ 43685
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 43686
shall be adopted, amended, or rescinded under Chapter 119. of 43687
the Revised Code except as follows: 43688

(1) Notwithstanding division (E) of section 119.03 and 43689
division (A) (1) of section 119.04 of the Revised Code, in the 43690
case of the adoption of any rule or the amendment or rescission 43691
of any rule that necessitates institutions' offering preparation 43692

programs for educators and other school personnel that are 43693
approved by the chancellor of higher education under section 43694
3333.048 of the Revised Code to revise the curriculum of those 43695
programs, the effective date shall not be as prescribed in 43696
division (E) of section 119.03 and division (A)(1) of section 43697
119.04 of the Revised Code. Instead, the effective date of such 43698
rules, or the amendment or rescission of such rules, shall be 43699
the date prescribed by section 3333.048 of the Revised Code. 43700

(2) Notwithstanding the authority to adopt, amend, or 43701
rescind emergency rules in division (G) of section 119.03 of the 43702
Revised Code, this authority shall not apply to the state board 43703
of education with regard to rules for educator licenses. 43704

(F)(1) The rules adopted under this section establishing 43705
standards requiring additional coursework for the renewal of any 43706
educator license shall require a school district and a chartered 43707
nonpublic school to establish local professional development 43708
committees. In a nonpublic school, the chief administrative 43709
officer shall establish the committees in any manner acceptable 43710
to such officer. The committees established under this division 43711
shall determine whether coursework that a district or chartered 43712
nonpublic school teacher proposes to complete meets the 43713
requirement of the rules. The department of education shall 43714
provide technical assistance and support to committees as the 43715
committees incorporate the professional development standards 43716
adopted by the state board of education pursuant to section 43717
3319.61 of the Revised Code into their review of coursework that 43718
is appropriate for license renewal. The rules shall establish a 43719
procedure by which a teacher may appeal the decision of a local 43720
professional development committee. 43721

(2) In any school district in which there is no exclusive 43722

representative established under Chapter 4117. of the Revised 43723
Code, the professional development committees shall be 43724
established as described in division (F) (2) of this section. 43725

Not later than the effective date of the rules adopted 43726
under this section, the board of education of each school 43727
district shall establish the structure for one or more local 43728
professional development committees to be operated by such 43729
school district. The committee structure so established by a 43730
district board shall remain in effect unless within thirty days 43731
prior to an anniversary of the date upon which the current 43732
committee structure was established, the board provides notice 43733
to all affected district employees that the committee structure 43734
is to be modified. Professional development committees may have 43735
a district-level or building-level scope of operations, and may 43736
be established with regard to particular grade or age levels for 43737
which an educator license is designated. 43738

Each professional development committee shall consist of 43739
at least three classroom teachers employed by the district, one 43740
principal employed by the district, and one other employee of 43741
the district appointed by the district superintendent. For 43742
committees with a building-level scope, the teacher and 43743
principal members shall be assigned to that building, and the 43744
teacher members shall be elected by majority vote of the 43745
classroom teachers assigned to that building. For committees 43746
with a district-level scope, the teacher members shall be 43747
elected by majority vote of the classroom teachers of the 43748
district, and the principal member shall be elected by a 43749
majority vote of the principals of the district, unless there 43750
are two or fewer principals employed by the district, in which 43751
case the one or two principals employed shall serve on the 43752
committee. If a committee has a particular grade or age level 43753

scope, the teacher members shall be licensed to teach such grade 43754
or age levels, and shall be elected by majority vote of the 43755
classroom teachers holding such a license and the principal 43756
shall be elected by all principals serving in buildings where 43757
any such teachers serve. The district superintendent shall 43758
appoint a replacement to fill any vacancy that occurs on a 43759
professional development committee, except in the case of 43760
vacancies among the elected classroom teacher members, which 43761
shall be filled by vote of the remaining members of the 43762
committee so selected. 43763

Terms of office on professional development committees 43764
shall be prescribed by the district board establishing the 43765
committees. The conduct of elections for members of professional 43766
development committees shall be prescribed by the district board 43767
establishing the committees. A professional development 43768
committee may include additional members, except that the 43769
majority of members on each such committee shall be classroom 43770
teachers employed by the district. Any member appointed to fill 43771
a vacancy occurring prior to the expiration date of the term for 43772
which a predecessor was appointed shall hold office as a member 43773
for the remainder of that term. 43774

The initial meeting of any professional development 43775
committee, upon election and appointment of all committee 43776
members, shall be called by a member designated by the district 43777
superintendent. At this initial meeting, the committee shall 43778
select a chairperson and such other officers the committee deems 43779
necessary, and shall adopt rules for the conduct of its 43780
meetings. Thereafter, the committee shall meet at the call of 43781
the chairperson or upon the filing of a petition with the 43782
district superintendent signed by a majority of the committee 43783
members calling for the committee to meet. 43784

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the number of committees and the number of teacher and administrative members on each committee; the specific administrative members to be part of each committee; whether the scope of the committees will be district levels, building levels, or by type of grade or age levels for which educator licenses are designated; the lengths of terms for members; the manner of filling vacancies on the committees; and the frequency and time and place of meetings. However, in all cases, except as provided in division (F)(4) of this section, there shall be a majority of teacher members of any professional development committee, there shall be at least five total members of any professional development committee, and the exclusive representative shall designate replacement members in the case of vacancies among teacher members, unless the collective bargaining agreement specifies a different method of selecting such replacements.

(4) Whenever an administrator's coursework plan is being

discussed or voted upon, the local professional development 43815
committee shall, at the request of one of its administrative 43816
members, cause a majority of the committee to consist of 43817
administrative members by reducing the number of teacher members 43818
voting on the plan. 43819

(G) (1) The department of education and workforce, 43820
educational service centers, county boards of developmental 43821
disabilities, college and university departments of education, 43822
head start programs, and the Ohio education computer network may 43823
establish local professional development committees to determine 43824
whether the coursework proposed by their employees who are 43825
licensed or certificated under this section or section 3319.222 43826
of the Revised Code, or under the former version of either 43827
section as it existed prior to October 16, 2009, meet the 43828
requirements of the rules adopted under this section. They may 43829
establish local professional development committees on their own 43830
or in collaboration with a school district or other agency 43831
having authority to establish them. 43832

Local professional development committees established by 43833
county boards of developmental disabilities shall be structured 43834
in a manner comparable to the structures prescribed for school 43835
districts in divisions (F) (2) and (3) of this section, as shall 43836
the committees established by any other entity specified in 43837
division (G) (1) of this section that provides educational 43838
services by employing or contracting for services of classroom 43839
teachers licensed or certificated under this section or section 43840
3319.222 of the Revised Code, or under the former version of 43841
either section as it existed prior to October 16, 2009. All 43842
other entities specified in division (G) (1) of this section 43843
shall structure their committees in accordance with guidelines 43844
which shall be issued by the ~~state board~~ department. 43845

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F) (2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.

Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in ~~divisions~~ division (G) (1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may

establish a local professional development committee, subject to 43875
the approval of the department of education and workforce. The 43876
committee shall be structured in accordance with guidelines 43877
issued by the ~~state board~~ department. 43878

(H) Not later than July 1, 2016, the state board, in 43879
accordance with Chapter 119. of the Revised Code, shall adopt 43880
rules pursuant to division (A) (3) of this section that do both 43881
of the following: 43882

(1) Exempt consistently high-performing teachers from the 43883
requirement to complete any additional coursework for the 43884
renewal of an educator license issued under this section or 43885
section 3319.26 of the Revised Code. The rules also shall 43886
specify that such teachers are exempt from any requirements 43887
prescribed by professional development committees established 43888
under divisions (F) and (G) of this section. 43889

(2) For purposes of division (H) (1) of this section, the 43890
state board shall define the term "consistently high-performing 43891
teacher." 43892

Sec. 3319.221. (A) The state board of education, the 43893
department of education and workforce, any city, local, exempted 43894
village, and joint vocational school district board of 43895
education, and any other public school, as defined in section 43896
3301.0711 of the Revised Code, shall not require a separate 43897
pupil services license issued by the state board as a credential 43898
for working in a public school, on either a permanent basis or a 43899
substitute or other temporary basis, for the following licensed 43900
professionals: 43901

(1) A speech-language pathologist who holds a currently 43902
valid license issued under Chapter 4753. of the Revised Code; 43903

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code; 43904
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(3) A registered nurse who holds a bachelor's degree and a currently valid license issued under Chapter 4723. of the Revised Code; 43906
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(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43909
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(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43911
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(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43913
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(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43915
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(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code. 43918
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(B) A person employed by a school district or school for any of the occupations listed in divisions (A) (1) to (8) of this section shall be required to apply for and receive a registration from the ~~department~~ state board of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the ~~department~~ state board, the individual shall submit the criminal records check to the ~~department~~ state board. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any 43920
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teacher licensed under sections 3319.22 to 3319.31 of the 43933
Revised Code. 43934

If the ~~department~~state board receives notification of the 43935
arrest or conviction of an individual registered under division 43936
(B) of this section, the ~~department~~state board shall promptly 43937
notify the employing district and may take any action authorized 43938
under sections 3319.31 and 3319.311 of the Revised Code that it 43939
considers appropriate. No district shall employ any individual 43940
under division (A) of this section if the district learns that 43941
the individual has plead guilty to, has been found guilty by a 43942
jury or court of, or has been convicted of any of the offenses 43943
listed in division (C) of section 3319.31 of the Revised Code. 43944

(C) The ~~department~~state board shall charge a registration 43945
fee of one hundred fifty dollars each for the initial 43946
registration and one hundred fifty dollars for renewal of the 43947
registration. 43948

Sec. 3319.224. Notwithstanding section 3319.30 of the 43949
Revised Code, a school district or educational service center 43950
may contract with a provider licensed under Chapter 4753. of the 43951
Revised Code for speech and language services or for audiology 43952
services. The contracted services shall be retained only after 43953
the district or service center has demonstrated to the 43954
department of education and workforce that attempts to obtain 43955
the services of a speech and language or audiology provider 43956
licensed under this chapter have been unsuccessful. 43957

Sec. 3319.228. (A) This section applies only to a person 43958
who meets the following conditions: 43959

(1) Holds a minimum of a baccalaureate degree; 43960

(2) Has been licensed and employed as a teacher in another 43961

state for each of the preceding five years; 43962

(3) Was initially licensed as a teacher in any state 43963
within the preceding fifteen years; 43964

(4) Has not had a teacher's license suspended or revoked 43965
in any state. 43966

(B) (1) Not later than July 1, 2012, the superintendent of 43967
public instruction shall develop a list of states that the 43968
superintendent considers to have standards for teacher licensure 43969
that are inadequate to ensure that a person to whom this section 43970
applies and who was most recently licensed to teach in that 43971
state is qualified for a professional educator license issued 43972
under section 3319.22 of the Revised Code. 43973

(2) Following development of the list, the superintendent 43974
shall establish a panel of experts to evaluate the adequacy of 43975
the teacher licensure standards of each state on the list. Each 43976
person selected by the superintendent to be a member of the 43977
panel shall be approved by the state board of education. In 43978
evaluating the superintendent's list, the panel shall provide an 43979
opportunity for representatives of the department of education, 43980
or similar state-level agency, of each state on the list to 43981
provide evidence to refute the state's placement on the list. 43982

Not later than April 1, 2013, the panel shall recommend to 43983
the state board that the list be approved without changes or 43984
that specified states be removed from the list prior to 43985
approval. Not later than July 1, 2013, the state board shall 43986
approve a final list of states with standards for teacher 43987
licensure that are inadequate to ensure that a person to whom 43988
this section applies and who was most recently licensed to teach 43989
in that state is qualified for a professional educator license 43990

issued under section 3319.22 of the Revised Code. 43991

(C) Except as otherwise provided in division (E)(1) of 43992
this section, until the date on which the state board approves a 43993
final list of states with inadequate teacher licensure standards 43994
under division (B)(2) of this section, the state board shall 43995
issue a one-year provisional educator license to any applicant 43996
to whom this section applies. On and after that date, neither 43997
the state board nor the department of education and workforce 43998
shall be party to any reciprocity agreement with a state on that 43999
list that requires the state board to issue a person to whom 44000
this section applies any type of professional educator license 44001
on the basis of the person's licensure and teaching experience 44002
in that state. 44003

(D) Upon the expiration of a provisional license issued to 44004
a person under division (C) of this section, the state board 44005
shall issue the person a professional educator license, if the 44006
person satisfies either of the following conditions: 44007

(1) The person was issued the provisional license prior to 44008
the development of the list by the state superintendent under 44009
division (B)(1) of this section and, prior to issuance of the 44010
provisional license, the person was most recently licensed to 44011
teach by a state not on the superintendent's list or, if the 44012
final list of states with inadequate teacher licensure standards 44013
has been approved by the state board under division (B)(2) of 44014
this section, by a state not on that list. 44015

(2) All of the following apply to the person: 44016

(a) Prior to obtaining the provisional license, the person 44017
was most recently licensed to teach by a state on the 44018
superintendent's list or, if the final list of states with 44019

inadequate teacher licensure standards has been approved by the 44020
state board under division (B) (2) of this section, by a state on 44021
that list. 44022

(b) The person was employed under the provisional license 44023
by a school district; community school established under Chapter 44024
3314. of the Revised Code; science, technology, engineering, and 44025
mathematics school established under Chapter 3326. of the 44026
Revised Code; or an entity contracted by such a district or 44027
school to provide internet- or computer-based instruction or 44028
distance learning programs to students. 44029

(c) The district or school certifies to the state board 44030
that the person's teaching was satisfactory while employed or 44031
contracted by the district or school. 44032

(E) (1) From July 1, 2012, until the date on which the 44033
state board approves a final list of states with inadequate 44034
teacher licensure standards under division (B) (2) of this 44035
section, the state board shall issue a professional educator 44036
license to any applicant to whom this section applies and who 44037
was most recently licensed to teach by a state that is not on 44038
the list developed by the state superintendent under division 44039
(B) (1) of this section. 44040

(2) Beginning on the date on which the state board 44041
approves a final list of states with inadequate teacher 44042
licensure standards under division (B) (2) of this section, the 44043
state board shall issue a professional educator license to any 44044
applicant to whom this section applies and who was most recently 44045
licensed to teach by a state that is not on that list. 44046

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 44047
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 44048

general assembly, the state board of education shall accept 44049
applications for new, and for renewal of, professional career- 44050
technical teaching licenses through June 30, 2019, and issue 44051
them on the basis of the applications received by that date in 44052
accordance with the rules described in that former section. 44053
Except as otherwise provided in divisions (A) (2) and (3) of this 44054
section, beginning July 1, 2019, the state board shall issue 44055
career-technical workforce development educator licenses only 44056
under this section. 44057

(2) An individual who, on July 1, 2019, holds a 44058
professional career-technical teaching license issued under the 44059
rules described in former section 3319.229 of the Revised Code, 44060
may continue to renew that license in accordance with those 44061
rules for the remainder of the individual's teaching career. 44062
However, nothing in this division shall be construed to prohibit 44063
the individual from applying to the state board for a career- 44064
technical workforce development educator license under this 44065
section. 44066

(3) An individual who, on July 1, 2019, holds an 44067
alternative resident educator license for teaching career- 44068
technical education issued under section 3319.26 of the Revised 44069
Code may, upon the expiration of the license, apply for a 44070
professional career-technical teaching license issued under the 44071
rules described in former section 3319.229 of the Revised Code. 44072
Such an individual may continue to renew the professional 44073
license in accordance with those rules for the remainder of the 44074
individual's teaching career. However, nothing in this division 44075
shall be construed to prohibit the individual from applying to 44076
the state board for a career-technical workforce development 44077
educator license under this section. 44078

(B) The state board, in collaboration with the chancellor of higher education, shall adopt rules establishing standards and requirements for obtaining a two-year initial career-technical workforce development educator license and a five-year advanced career-technical workforce development educator license. Each license shall be valid for teaching career-technical education or workforce development programs in grades four through twelve. The rules shall require applicants for either license to have a high school diploma or a certificate of high school equivalence as awarded under section 3301.80 of the Revised Code or as recognized as the equivalent of such certificate under division (C) of that section.

(C) (1) The state board shall issue an initial career-technical workforce development educator license to an applicant upon request from the superintendent of a school district that has agreed to employ the applicant. In making the request, the superintendent shall provide documentation, in accordance with procedures prescribed by the ~~department of education~~ state board, showing that the applicant has at least five years of work experience, or the equivalent, in the subject area in which the applicant will teach. The license shall be valid for teaching only in the requesting district. The superintendent also shall provide documentation, in accordance with procedures prescribed by the ~~department~~ state board, that the applicant is enrolled in a career-technical workforce development educator preparation program offered by an institution of higher education that has an existing teacher preparatory program in place that meets all of the following criteria:

(a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles;

(b) Provides classroom support to the license holder;	44109
(c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;	44110 44111
(d) Is aligned with career-technical education and workforce development competencies developed by the department;	44112 44113
(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) of this section to evaluate the license holder's knowledge and skills;	44114 44115 44116 44117
(f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.	44118 44119
(2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C) (1) of this section.	44120 44121 44122 44123 44124
(3) The state board shall renew an initial career- technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.	44125 44126 44127 44128 44129 44130
(D) The state board shall issue an advanced career- technical workforce development educator license to an applicant who has successfully completed the program described in division (C) (1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career- technical education and workforce development competencies described in division (C) (1) (d) of this section in the teaching	44131 44132 44133 44134 44135 44136 44137

position, as indicated by the superintendent of the employing school district. 44138
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(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license. 44140
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(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes. 44145
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Sec. 3319.231. As used in this section, "community service" has the same meaning as in section 3313.605 of the Revised Code. 44152
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The ~~state board~~ department of education and workforce shall adopt rules establishing qualifications for the teaching of community service education for high school credit under division (C) of section 3313.605 of the Revised Code. In addition, the ~~board~~ department shall provide technical assistance to school districts providing community service instructional programs for teachers. 44155
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Sec. 3319.234. The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the chancellor of ~~the Ohio board of regents~~ higher education under section 3333.048 of the Revised Code, shall study the relationship of teacher performance on educator 44162
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licensure assessments, as adopted by the state board of 44167
education under section 3319.22 of the Revised Code, to teacher 44168
effectiveness in the classroom. Not later than September 1, 44169
2008, the partnership shall begin submitting annual data reports 44170
along with any other data on teacher effectiveness the 44171
partnership determines appropriate to the governor, the 44172
president and minority leader of the senate, the speaker and 44173
minority leader of the house of representatives, the 44174
chairpersons and ranking minority members of the standing 44175
committees of the senate and the house of representatives that 44176
consider education legislation, the ~~superintendent of public~~ 44177
~~instruction, the~~ state board of education, and the chancellor ~~of~~ 44178
~~the Ohio board of regents.~~ 44179

Sec. 3319.235. (A) The standards for the preparation of 44180
teachers adopted under section 3333.048 of the Revised Code 44181
shall require any institution that provides a course of study 44182
for the training of teachers to ensure that graduates of such 44183
course of study are skilled at integrating educational 44184
technology in the instruction of children, as evidenced by the 44185
graduate having either demonstrated proficiency in such skills 44186
in a manner prescribed by the department of education and 44187
workforce or completed a course that includes training in such 44188
skills. 44189

(B) The chancellor of ~~the Ohio board of regents, higher~~ 44190
education, in consultation with the department of education and 44191
workforce, shall establish model professional development 44192
programs to assist teachers who completed their teacher 44193
preparation prior to the effective date of division (A) of this 44194
section to become skilled at integrating educational technology 44195
in the instruction of children. The chancellor shall provide 44196
technical assistance to school districts wishing to establish 44197

such programs. 44198

Sec. 3319.236. (A) Except as provided in division (B) of 44199
this section, a school district shall require an individual to 44200
hold a valid educator license in computer science, or have a 44201
license endorsement in computer technology and a passing score 44202
on a content examination in the area of computer science, to 44203
teach computer science courses. 44204

(B) A school district may employ an individual, for the 44205
purpose of teaching computer science courses, who holds a valid 44206
educator license in any of grades kindergarten through twelve, 44207
provided the individual meets the requirements established by 44208
rules of the state board of education to qualify for a 44209
supplemental teaching license for teaching computer science. The 44210
rules shall require an applicant for a supplemental teaching 44211
license to pass a content examination in the area of computer 44212
science. The rules also shall permit an individual, after at 44213
least two years of successfully teaching computer science 44214
courses under the supplemental teaching license, to advance to a 44215
standard educator license in computer science by completing a 44216
pedagogy course applicable to the grade levels in which the 44217
individual is teaching. However, the rules may exempt an 44218
individual teaching computer science from the requirement to 44219
complete a pedagogy course if the individual previously 44220
completed a pedagogy course applicable to the grade levels in 44221
which the individual is teaching. 44222

(C) In order for an individual to teach advanced placement 44223
computer science courses, a school district shall require the 44224
individual to also complete a professional development program 44225
endorsed or provided by the organization that creates and 44226
administers national advanced placement examinations. For this 44227

purpose, the individual may complete the program at any time 44228
during the calendar year. 44229

(D) Notwithstanding section 3301.012 of the Revised Code, 44230
as used in this section, "computer science courses" means any 44231
courses that are reported in the education management 44232
information system established under section 3301.0714 of the 44233
Revised Code as computer science courses and which are aligned 44234
to computer science standards adopted by the ~~state board~~ 44235
department of education and workforce. 44236

Sec. 3319.25. Any teacher performance assessment entity 44237
with which the department of education and workforce or the 44238
state board of education contracts or any independent agent with 44239
whom such entity, the department, or the state board contracts 44240
to provide services as a teacher performance assessor, trainer 44241
of assessors, or assessment coordinator is not liable for 44242
damages in a civil action concerning the actions of such entity 44243
or agent made in the conduct of a teacher performance assessment 44244
unless those actions were conducted with malicious purpose, in 44245
bad faith, or in a wanton or reckless manner. 44246

As used in this section, "teacher performance assessment" 44247
means an assessment prescribed by the state board of education 44248
to measure the classroom performance of a teacher who is a 44249
candidate for licensure based on observations conducted by a 44250
trained assessor while the teacher is engaged in actual 44251
classroom instruction. 44252

Sec. 3319.262. (A) Notwithstanding any other provision of 44253
the Revised Code or any rule adopted by the state board of 44254
education to the contrary, the state board shall adopt rules 44255
establishing standards and requirements for obtaining a 44256
nonrenewable four-year initial early college high school 44257

educator license for teaching grades seven through twelve at an 44258
early college high school described in section 3313.6013 of the 44259
Revised Code to any applicant who meets the following 44260
conditions: 44261

(1) Has a graduate or terminal degree from an accredited 44262
institution of higher education in a field related to the 44263
subject area to be taught, as determined by the ~~department of~~ 44264
education state board; 44265

(2) Has obtained a passing score on an examination in the 44266
subject area to be taught, as prescribed by the state board; 44267

(3) Has experience teaching students at any grade level, 44268
including post-secondary students; 44269

(4) Has proof that an early college high school intends to 44270
employ the applicant pending a valid license under this section. 44271

An individual licensed under this section shall be subject 44272
to sections 3319.291 and 3319.39 of the Revised Code. An initial 44273
educator license issued under division (A) of this section shall 44274
be valid for teaching only at the employing school described in 44275
division (A) (4) of this section. 44276

(B) After four years of teaching under an initial early 44277
college high school educator license issued under this section, 44278
an individual may apply for a renewable five-year professional 44279
educator license in the same subject area named in the initial 44280
license. The state board shall issue the applicant a 44281
professional educator license if the applicant attains a passing 44282
score on an assessment of professional knowledge prescribed by 44283
the state board. Nothing in division (B) of this section shall 44284
be construed to prohibit an individual from applying for a 44285
professional ~~education~~ educator license under section 3319.22 of 44286

the Revised Code. 44287

~~Sec. 3319.263. Beginning on the first day of July~~ 44288
~~succeeding the effective date of this section and for only five~~ 44289
~~years thereafter~~ Until July 1, 2028, notwithstanding anything to 44290
the contrary in section 3319.26 of the Revised Code or any rule 44291
of the state board of education adopted under that section, the 44292
state board ~~and the department of education~~ shall not limit the 44293
subject areas for which an individual may receive an alternative 44294
resident educator license issued under that section. 44295

Sec. 3319.28. (A) As used in this section, "STEM school" 44296
means a science, technology, engineering, and mathematics school 44297
established under Chapter 3326. of the Revised Code. 44298

(B) Notwithstanding any other provision of the Revised 44299
Code or any rule adopted by the state board of education to the 44300
contrary, the state board shall issue a two-year provisional 44301
educator license for teaching science, technology, engineering, 44302
or mathematics in grades six through twelve in a STEM school to 44303
any applicant who meets the following conditions: 44304

(1) Holds a bachelor's degree from an accredited 44305
institution of higher education in a field related to the 44306
subject area to be taught; 44307

(2) Has passed an examination prescribed by the state 44308
board in the subject area to be taught. 44309

(C) The holder of a provisional educator license issued 44310
under this section shall complete a structured apprenticeship 44311
program provided by an educational service center or a teacher 44312
preparation program approved under section 3333.048 of the 44313
Revised Code, in partnership with the STEM school that employs 44314
the license holder. The apprenticeship program shall include the 44315

following:	44316
(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;	44317 44318 44319 44320 44321 44322
(2) Regularly scheduled seminars or meetings that address the following topics:	44323 44324
(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;	44325 44326 44327
(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;	44328 44329
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	44330 44331
(d) Instructional methods and strategies;	44332
(e) Student development;	44333
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	44334 44335
(g) Classroom management and record keeping.	44336
(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:	44337 44338 44339 44340 44341 44342

(1) The applicant completed the apprenticeship program 44343
described in division (C) of this section. 44344

(2) The applicant receives a positive recommendation 44345
indicating that the applicant is an effective teacher from both 44346
of the following: 44347

(a) The chief administrative officer of the STEM school 44348
that most recently employed the applicant as a classroom 44349
teacher; 44350

(b) The educational service center or teacher preparation 44351
program administrator in charge of the apprenticeship program 44352
completed by the applicant. 44353

(3) The applicant meets all other requirements for a 44354
professional educator license adopted by the state board under 44355
section 3319.22 of the Revised Code. 44356

(E) ~~The department of education state board~~ shall evaluate 44357
the experiences of STEM schools with classroom teachers holding 44358
provisional educator licenses issued under this section. The 44359
evaluation shall cover the first two school years for which 44360
licenses are issued and shall consider at least the schools' 44361
satisfaction with the teachers and the operation of the 44362
apprenticeship programs. 44363

Sec. 3319.291. (A) The state board of education shall 44364
require each of the following persons, at the times prescribed 44365
by division (A) of this section, to undergo a criminal records 44366
check, unless the person has undergone a records check under 44367
this section or a former version of this section less than five 44368
years prior to that time. 44369

(1) Any person initially applying for any certificate, 44370
license, or permit described in this chapter or in division (B) 44371

of section 3301.071 or in section 3301.074 of the Revised Code 44372
at the time that application is made; 44373

(2) Any person applying for renewal of any certificate, 44374
license, or permit described in division (A)(1) of this section 44375
at the time that application is made; 44376

(3) Any person who is teaching under a professional 44377
teaching certificate issued under former section 3319.222 of the 44378
Revised Code upon a date prescribed by the state board; 44379

(4) Any person who is teaching under a permanent teaching 44380
certificate issued under former section 3319.22 as it existed 44381
prior to October 29, 1996, or under former section 3319.222 of 44382
the Revised Code upon a date prescribed by the state board and 44383
every five years thereafter. 44384

(B)(1) Except as otherwise provided in division (B)(2) of 44385
this section, the state board shall require each person subject 44386
to a criminal records check under this section to submit two 44387
complete sets of fingerprints and written permission that 44388
authorizes the superintendent of public instruction to forward 44389
the fingerprints to the bureau of criminal identification and 44390
investigation pursuant to division (F) of section 109.57 of the 44391
Revised Code and that authorizes that bureau to forward the 44392
fingerprints to the federal bureau of investigation for purposes 44393
of obtaining any criminal records that the federal bureau 44394
maintains on the person. 44395

(2) If both of the following conditions apply to a person 44396
subject to a criminal records check under this section, the 44397
state board shall require the person to submit one complete set 44398
of fingerprints and written permission that authorizes the 44399
superintendent of public instruction to forward the fingerprints 44400

to the bureau of criminal identification and investigation so 44401
that bureau may forward the fingerprints to the federal bureau 44402
of investigation for purposes of obtaining any criminal records 44403
that the federal bureau maintains on the person: 44404

(a) Under this section or any former version of this 44405
section, the state board or the superintendent of public 44406
instruction previously requested the superintendent of the 44407
bureau of criminal identification and investigation to determine 44408
whether the bureau has any information, gathered pursuant to 44409
division (A) of section 109.57 of the Revised Code, on the 44410
person. 44411

(b) The person presents proof that the person has been a 44412
resident of this state for the five-year period immediately 44413
prior to the date upon which the person becomes subject to a 44414
criminal records check under this section. 44415

(C) Except as provided in division (D) of this section, 44416
prior to issuing or renewing any certificate, license, or permit 44417
for a person described in division (A) (1) or (2) of this section 44418
who is subject to a criminal records check and in the case of a 44419
person described in division (A) (3) or (4) of this section who 44420
is subject to a criminal records check, the state board or the 44421
superintendent of public instruction shall do one of the 44422
following: 44423

(1) If the person is required to submit fingerprints and 44424
written permission under division (B) (1) of this section, 44425
request the superintendent of the bureau of criminal 44426
identification and investigation to determine whether the bureau 44427
has any information, gathered pursuant to division (A) of 44428
section 109.57 of the Revised Code, pertaining to the person and 44429
to obtain any criminal records that the federal bureau of 44430

investigation has on the person. 44431

(2) If the person is required to submit fingerprints and 44432
written permission under division (B) (2) of this section, 44433
request the superintendent of the bureau of criminal 44434
identification and investigation to obtain any criminal records 44435
that the federal bureau of investigation has on the person. 44436

(D) The state board or the superintendent of public 44437
instruction may choose not to request any information about a 44438
person required by division (C) of this section if the person 44439
provides proof that a criminal records check that satisfies the 44440
requirements of that division was conducted on the person as a 44441
condition of employment pursuant to section 3319.39 of the 44442
Revised Code within the immediately preceding year. The state 44443
board or the superintendent of public instruction _may accept a 44444
certified copy of records that were issued by the bureau of 44445
criminal identification and investigation and that are presented 44446
by the person in lieu of requesting that information under 44447
division (C) of this section if the records were issued by the 44448
bureau within the immediately preceding year. 44449

(E) (1) If a person described in division (A) (3) or (4) of 44450
this section who is subject to a criminal records check fails to 44451
submit fingerprints and written permission by the date specified 44452
in the applicable division, and the state board or the 44453
superintendent of public instruction does not apply division (D) 44454
of this section to the person, or if a person who is subject to 44455
division (G) of this section fails to submit fingerprints and 44456
written permission by the date prescribed under that division, 44457
the superintendent shall prepare a written notice stating that 44458
if the person does not submit the fingerprints and written 44459
permission within fifteen days after the date the notice was 44460

mailed, the person's application will be rejected or the 44461
person's professional or permanent teaching certificate or 44462
license will be inactivated. The superintendent shall send the 44463
notification by regular mail to the person's last known 44464
residence address or last known place of employment, as 44465
indicated in the ~~department of education's~~ state board's 44466
records, or both. 44467

If the person fails to submit the fingerprints and written 44468
permission within fifteen days after the date the notice was 44469
mailed, the superintendent of public instruction, on behalf of 44470
the state board, shall issue a written order rejecting the 44471
application or inactivating the person's professional or 44472
permanent teaching certificate or license. The rejection or 44473
inactivation shall remain in effect until the person submits the 44474
fingerprints and written permission. The superintendent shall 44475
send the order by regular mail to the person's last known 44476
residence address or last known place of employment, as 44477
indicated in the ~~department's~~ state board's records, or both. 44478
The order shall state the reason for the rejection or 44479
inactivation and shall explain that the rejection or 44480
inactivation remains in effect until the person submits the 44481
fingerprints and written permission. 44482

The rejection or inactivation of a professional or 44483
permanent teaching certificate or license under division (E) (1) 44484
of this section does not constitute a suspension or revocation 44485
of the certificate or license by the state board under section 44486
3319.31 of the Revised Code and the state board and the 44487
superintendent of public instruction need not provide the person 44488
with an opportunity for a hearing with respect to the rejection 44489
or inactivation. 44490

(2) If a person whose professional or permanent teaching certificate or license has been rejected or inactivated under division (E) (1) of this section submits fingerprints and written permission as required by division (B) or (G) of this section, the superintendent of public instruction, on behalf of the state board, shall issue a written order issuing or reactivating the certificate or license. The superintendent shall send the order to the person by regular mail.

(F) Notwithstanding divisions (A) to (C) of this section, if a person holds more than one certificate, license, or permit described in division (A) (1) of this section, the following shall apply:

(1) If the certificates, licenses, or permits are of different durations, the person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the certificate, license, or permit that is of the longest duration. Prior to renewing any certificate, license, or permit with a shorter duration, the state board or the superintendent of public instruction shall determine whether the ~~department of education~~ state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's certificate, license, or permit with the longest duration is valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the ~~department~~ state board of that designation. The person shall be subject to divisions (A) to (C) of this section

only when applying for renewal of the person's primary 44521
certificate, license, or permit. Prior to renewing any 44522
certificate, license, or permit that is not the person's primary 44523
certificate, license, or permit, the state board or the 44524
superintendent of public instruction shall determine whether the 44525
~~department~~ state board has received any information about the 44526
person pursuant to section 109.5721 of the Revised Code, but the 44527
person shall not be subject to divisions (A) to (C) of this 44528
section as long as the person's primary certificate, license, or 44529
permit is valid. 44530

(3) If the certificates, licenses, or permits are of the 44531
same duration and expire in the same year and the person applies 44532
for renewal of the certificates, licenses, or permits at the 44533
same time, the state board or the superintendent of public 44534
instruction shall request only one criminal records check of the 44535
person under division (C) of this section. 44536

(G) If the ~~department~~ state board is unable to enroll a 44537
person who has submitted an application for licensure, or to 44538
whom the state board has issued a license, in the retained 44539
applicant fingerprint database established under section 44540
109.5721 of the Revised Code because the person has not 44541
satisfied the requirements for enrollment, the ~~department~~ board 44542
shall require the person to satisfy the requirements for 44543
enrollment, including requiring the person to submit, by a date 44544
prescribed by the ~~department~~ state board, one complete set of 44545
fingerprints and written permission that authorizes the 44546
superintendent of public instruction to forward the fingerprints 44547
to the bureau of criminal identification and investigation for 44548
the purpose of enrolling the person in the database. If the 44549
person fails to comply by the prescribed date, the ~~department~~ 44550
state board shall reject the application or shall take action to 44551

inactivate the person's license in accordance with division (E) 44552
of this section. 44553

Sec. 3319.292. As used in this section, "license" has the 44554
same meaning as in section 3319.31 of the Revised Code. 44555

The state board of education ~~and the department of~~ 44556
~~education~~ may question an applicant for issuance or renewal of 44557
any license with respect to any criminal offense committed or 44558
alleged to have been committed by the applicant. If the record 44559
of a conviction, plea of guilty, bail forfeiture, or other 44560
disposition of a criminal offense committed or alleged to have 44561
been committed by the applicant has been sealed or expunged, the 44562
state board ~~and the department~~ need not assert or demonstrate 44563
that its questioning with respect to the offense bears a direct 44564
and substantial relationship to the issuance or renewal of the 44565
license or to the position in which the applicant will work 44566
under the license. 44567

Any questions regarding a record of a conviction, plea of 44568
guilty, bail forfeiture, or other disposition of a criminal 44569
offense committed or alleged to have been committed by the 44570
applicant that has been sealed or expunged and the responses of 44571
the applicant to such questions shall not be a public record 44572
under section 149.43 of the Revised Code. 44573

Sec. 3319.316. The ~~department of education, on behalf of~~ 44574
~~the~~ state board of education, shall be a participating public 44575
office for purposes of the retained applicant fingerprint 44576
database established under section 109.5721 of the Revised Code 44577
and shall receive notification from the bureau of criminal 44578
identification and investigation of the arrest or conviction of 44579
persons to whom the state board has issued a license, as defined 44580
in section 3319.31 of the Revised Code. 44581

Sec. 3319.319. The appointing or hiring officer of a 44582
school district or school located in Ohio or another state may 44583
request from the ~~department~~ state board of education any report 44584
~~the department has~~ received under sections 3314.40, 3319.313, 44585
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 44586
individual who is under consideration for employment by the 44587
district or school. If the ~~department~~ superintendent of public 44588
instruction has received a report under any of those sections 44589
regarding the individual, the ~~department~~ state superintendent 44590
shall provide the contents of the report to the requesting 44591
officer. Upon provision of the contents of the report to the 44592
requesting officer, the ~~department~~ state superintendent shall 44593
notify the officer that the information provided is confidential 44594
and may not be disseminated to any other person or entity. 44595

If the ~~department~~ state superintendent provides the 44596
contents of a report to an appointing or hiring officer under 44597
this section, the ~~department~~ state superintendent shall document 44598
the information provided in the record of any investigation 44599
undertaken pursuant to section 3319.311 of the Revised Code 44600
based on the report. Such documentation shall include a list of 44601
the information provided, the date the information was provided, 44602
and the name and contact information of the appointing or hiring 44603
officer to whom the information was provided. 44604

Sec. 3319.33. On or before the first day of August in each 44605
year, the board of education of each city, exempted village, and 44606
local school district shall report to the ~~state board~~ department 44607
of education and workforce the school statistics of its 44608
district. Such report shall be made on forms furnished by the 44609
~~state board of education~~ department and shall contain such 44610
information as the ~~state board of education~~ department requires. 44611
The report shall also set forth with respect to each civil 44612

proceeding in which the board of education is a defendant and 44613
each civil proceeding in which the board of education is a party 44614
and is not a defendant and in which one of the other parties is 44615
a board of education in this state or an officer, board, or 44616
official of this state: 44617

(A) The nature of the proceeding; 44618

(B) The capacity in which the board is a party to the 44619
proceeding; 44620

(C) The total expenses incurred by the board with respect 44621
to the proceeding; 44622

(D) The total expenses incurred by the board with respect 44623
to the proceeding during the reporting period. 44624

Divisions (A) to (D) of this section do not apply to any 44625
proceeding for which no expenses have been incurred during the 44626
reporting period. 44627

The board of education of each city, exempted village, and 44628
local school district may prepare and publish annually a report 44629
of the condition and administration of the schools under its 44630
supervision which shall include therein an exhibit of the 44631
financial affairs of the district and the information required 44632
in divisions (A) to (D) of this section. Such annual report 44633
shall be for a full year. 44634

Sec. 3319.35. If the superintendent or treasurer of any 44635
school district or educational service center fails to prepare 44636
any required report, that superintendent shall be liable in the 44637
sum of three hundred dollars, to be recovered by a civil action. 44638
In the case of reports required to be submitted to the 44639
superintendent, such action shall be instituted in the name of 44640
the governing board of the service center upon the complaint of 44641

the service center superintendent and the amount collected shall 44642
be paid into the service center's general fund. In the case of 44643
reports to be submitted to the ~~state board~~ department of 44644
education and workforce, the action shall be instituted in the 44645
name of the state on complaint of the board and the amount 44646
collected shall be paid into the general revenue fund. 44647

Sec. 3319.361. (A) The state board of education shall 44648
establish rules for the issuance of a supplemental teaching 44649
license. This license shall be issued at the request of the 44650
superintendent of a city, local, exempted village, or joint 44651
vocational school district, educational service center, or the 44652
governing authority of a STEM school, chartered nonpublic 44653
school, or community school to an individual who meets all of 44654
the following criteria: 44655

(1) Holds a current professional or permanent Ohio 44656
teaching certificate or resident educator license, professional 44657
educator license, senior professional educator license, or lead 44658
professional educator license, as issued under section 3319.22 44659
or 3319.26 of the Revised Code; 44660

(2) Is of good moral character; 44661

(3) Is employed in a supplemental licensure area or 44662
teaching field, as defined by the state board; 44663

(4) Completes an examination prescribed by the state board 44664
in the licensure area; 44665

(5) Completes, while employed under the supplemental 44666
teaching license and subsequent renewals thereof, additional 44667
coursework, if applicable, and testing requirements for full 44668
licensure in the supplemental area as a condition of holding and 44669
teaching under a supplemental teaching license. 44670

(B) The employing school district, service center, or school shall assign a mentor to the individual holding a supplemental teaching license. The assigned mentor shall be an experienced teacher who currently holds a license in the same, or a related, content area as the supplemental license.

(C) Before the ~~department of education~~ state board will issue an individual a supplemental teaching license in another area, the supplemental licensee must complete the supplemental licensure program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license.

(D) An individual may advance from a supplemental teaching license to a standard teaching license upon:

(1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and

(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board.

(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A) (4) of this section. If the requirements are not completed within sixty days, the application shall be declined.

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) (b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of

the bureau of criminal identification and investigation to 44700
conduct a criminal records check with respect to any applicant 44701
who has applied to the school district, educational service 44702
center, or school for employment in any position. The appointing 44703
or hiring officer shall request that the superintendent include 44704
information from the federal bureau of investigation in the 44705
criminal records check, unless all of the following apply to the 44706
applicant: 44707

(a) The applicant is applying to be an instructor of adult 44708
education. 44709

(b) The duties of the position for which the applicant is 44710
applying do not involve routine interaction with a child or 44711
regular responsibility for the care, custody, or control of a 44712
child or, if the duties do involve such interaction or 44713
responsibility, during any period of time in which the 44714
applicant, if hired, has such interaction or responsibility, 44715
another employee of the school district, educational service 44716
center, or chartered nonpublic school will be present in the 44717
same room with the child or, if outdoors, will be within a 44718
thirty-yard radius of the child or have visual contact with the 44719
child. 44720

(c) The applicant presents proof that the applicant has 44721
been a resident of this state for the five-year period 44722
immediately prior to the date upon which the criminal records 44723
check is requested or provides evidence that within that five- 44724
year period the superintendent has requested information about 44725
the applicant from the federal bureau of investigation in a 44726
criminal records check. 44727

(2) A person required by division (A)(1) of this section 44728
to request a criminal records check shall provide to each 44729

applicant a copy of the form prescribed pursuant to division (C) 44730
(1) of section 109.572 of the Revised Code, provide to each 44731
applicant a standard impression sheet to obtain fingerprint 44732
impressions prescribed pursuant to division (C) (2) of section 44733
109.572 of the Revised Code, obtain the completed form and 44734
impression sheet from each applicant, and forward the completed 44735
form and impression sheet to the superintendent of the bureau of 44736
criminal identification and investigation at the time the person 44737
requests a criminal records check pursuant to division (A) (1) of 44738
this section. 44739

(3) An applicant who receives pursuant to division (A) (2) 44740
of this section a copy of the form prescribed pursuant to 44741
division (C) (1) of section 109.572 of the Revised Code and a 44742
copy of an impression sheet prescribed pursuant to division (C) 44743
(2) of that section and who is requested to complete the form 44744
and provide a set of fingerprint impressions shall complete the 44745
form or provide all the information necessary to complete the 44746
form and shall provide the impression sheet with the impressions 44747
of the applicant's fingerprints. If an applicant, upon request, 44748
fails to provide the information necessary to complete the form 44749
or fails to provide impressions of the applicant's fingerprints, 44750
the board of education of a school district, governing board of 44751
an educational service center, or governing authority of a 44752
chartered nonpublic school shall not employ that applicant for 44753
any position. 44754

(4) Notwithstanding any provision of this section to the 44755
contrary, an applicant who meets the conditions prescribed in 44756
divisions (A) (1) (a) and (b) of this section and who, within the 44757
two-year period prior to the date of application, was the 44758
subject of a criminal records check under this section prior to 44759
being hired for short-term employment with the school district, 44760

educational service center, or chartered nonpublic school to 44761
which application is being made shall not be required to undergo 44762
a criminal records check prior to the applicant's rehiring by 44763
that district, service center, or school. 44764

(B) (1) Except as provided in rules adopted by the 44765
~~department~~ state board of education in accordance with division 44766
(E) of this section and as provided in division (B) (3) of this 44767
section, no board of education of a school district, no 44768
governing board of an educational service center, and no 44769
governing authority of a chartered nonpublic school shall employ 44770
a person if the person previously has been convicted of or 44771
pleaded guilty to any of the following: 44772

(a) A violation of section 2903.01, 2903.02, 2903.03, 44773
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44774
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44775
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44776
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 44777
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 44778
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44779
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 44780
section 2905.04 of the Revised Code as it existed prior to July 44781
1, 1996, a violation of section 2919.23 of the Revised Code that 44782
would have been a violation of section 2905.04 of the Revised 44783
Code as it existed prior to July 1, 1996, had the violation been 44784
committed prior to that date, a violation of section 2925.11 of 44785
the Revised Code that is not a minor drug possession offense, or 44786
felonious sexual penetration in violation of former section 44787
2907.12 of the Revised Code; 44788

(b) A violation of an existing or former law of this 44789
state, another state, or the United States that is substantially 44790

equivalent to any of the offenses or violations described in 44791
division (B) (1) (a) of this section. 44792

(2) A board, governing board of an educational service 44793
center, or a governing authority of a chartered nonpublic school 44794
may employ an applicant conditionally until the criminal records 44795
check required by this section is completed and the board or 44796
governing authority receives the results of the criminal records 44797
check. If the results of the criminal records check indicate 44798
that, pursuant to division (B) (1) of this section, the applicant 44799
does not qualify for employment, the board or governing 44800
authority shall release the applicant from employment. 44801

(3) No board and no governing authority of a chartered 44802
nonpublic school shall employ a teacher who previously has been 44803
convicted of or pleaded guilty to any of the offenses listed in 44804
section 3319.31 of the Revised Code. 44805

(C) (1) Each board and each governing authority of a 44806
chartered nonpublic school shall pay to the bureau of criminal 44807
identification and investigation the fee prescribed pursuant to 44808
division (C) (3) of section 109.572 of the Revised Code for each 44809
criminal records check conducted in accordance with that section 44810
upon the request pursuant to division (A) (1) of this section of 44811
the appointing or hiring officer of the board or governing 44812
authority. 44813

(2) A board and the governing authority of a chartered 44814
nonpublic school may charge an applicant a fee for the costs it 44815
incurs in obtaining a criminal records check under this section. 44816
A fee charged under this division shall not exceed the amount of 44817
fees the board or governing authority pays under division (C) (1) 44818
of this section. If a fee is charged under this division, the 44819
board or governing authority shall notify the applicant at the 44820

time of the applicant's initial application for employment of 44821
the amount of the fee and that, unless the fee is paid, the 44822
board or governing authority will not consider the applicant for 44823
employment. 44824

(D) The report of any criminal records check conducted by 44825
the bureau of criminal identification and investigation in 44826
accordance with section 109.572 of the Revised Code and pursuant 44827
to a request under division (A) (1) of this section is not a 44828
public record for the purposes of section 149.43 of the Revised 44829
Code and shall not be made available to any person other than 44830
the applicant who is the subject of the criminal records check 44831
or the applicant's representative, the board or governing 44832
authority requesting the criminal records check or its 44833
representative, and any court, hearing officer, or other 44834
necessary individual involved in a case dealing with the denial 44835
of employment to the applicant. 44836

(E) The ~~department of education~~ state board shall adopt 44837
rules pursuant to Chapter 119. of the Revised Code to implement 44838
this section, including rules specifying circumstances under 44839
which the board or governing authority may hire a person who has 44840
been convicted of an offense listed in division (B) (1) or (3) of 44841
this section but who meets standards in regard to rehabilitation 44842
set by the ~~department~~ state board. Any rules adopted by the 44843
~~department~~ state board under this division regarding the 44844
employment of a person holding a certificate, license, or permit 44845
described in this chapter or in division (B) of section 3301.071 44846
or in section 3301.074 of the Revised Code shall comply with 44847
section 9.79 of the Revised Code. 44848

The ~~department~~ state board shall amend rule 3301-83-23 of 44849
the Ohio Administrative Code that took effect August 27, 2009, 44850

and that specifies the offenses that disqualify a person for 44851
employment as a school bus or school van driver and establishes 44852
rehabilitation standards for school bus and school van drivers. 44853

(F) Any person required by division (A)(1) of this section 44854
to request a criminal records check shall inform each person, at 44855
the time of the person's initial application for employment, of 44856
the requirement to provide a set of fingerprint impressions and 44857
that a criminal records check is required to be conducted and 44858
satisfactorily completed in accordance with section 109.572 of 44859
the Revised Code if the person comes under final consideration 44860
for appointment or employment as a precondition to employment 44861
for the school district, educational service center, or school 44862
for that position. 44863

(G) As used in this section: 44864

(1) "Applicant" means a person who is under final 44865
consideration for appointment or employment in a position with a 44866
board of education, governing board of an educational service 44867
center, or a chartered nonpublic school, except that "applicant" 44868
does not include a person already employed by a board or 44869
chartered nonpublic school who is under consideration for a 44870
different position with such board or school. 44871

(2) "Teacher" means a person holding an educator license 44872
or permit issued under section 3319.22 or 3319.301 of the 44873
Revised Code and teachers in a chartered nonpublic school. 44874

(3) "Criminal records check" has the same meaning as in 44875
section 109.572 of the Revised Code. 44876

(4) "Minor drug possession offense" has the same meaning 44877
as in section 2925.01 of the Revised Code. 44878

(H) If the board of education of a local school district 44879

adopts a resolution requesting the assistance of the educational 44880
service center in which the local district has territory in 44881
conducting criminal records checks of substitute teachers and 44882
substitutes for other district employees under this section, the 44883
appointing or hiring officer of such educational service center 44884
shall serve for purposes of this section as the appointing or 44885
hiring officer of the local board in the case of hiring 44886
substitute teachers and other substitute employees for the local 44887
district. 44888

Sec. 3319.391. This section applies to any person hired by 44889
a school district, educational service center, or chartered 44890
nonpublic school in any position that does not require a 44891
"license" issued by the state board of education, as defined in 44892
section 3319.31 of the Revised Code, and is not for the 44893
operation of a vehicle for pupil transportation. 44894

(A) For each person to whom this section applies who is 44895
hired on or after November 14, 2007, the employer shall request 44896
a criminal records check in accordance with section 3319.39 of 44897
the Revised Code and shall request a subsequent criminal records 44898
check by the fifth day of September every fifth year thereafter. 44899
For each person to whom this division applies who is hired prior 44900
to November 14, 2007, the employer shall request a criminal 44901
records check by a date prescribed by the ~~department of~~ 44902
~~education state board~~ and shall request a subsequent criminal 44903
records check by the fifth day of September every fifth year 44904
thereafter. 44905

(B) (1) Each request for a criminal records check under 44906
this section shall be made to the superintendent of the bureau 44907
of criminal identification and investigation in the manner 44908
prescribed in section 3319.39 of the Revised Code, except that 44909

if both of the following conditions apply to the person subject 44910
to the records check, the employer shall request the 44911
superintendent only to obtain any criminal records that the 44912
federal bureau of investigation has on the person: 44913

(a) The employer previously requested the superintendent 44914
to determine whether the bureau of criminal identification and 44915
investigation has any information, gathered pursuant to division 44916
(A) of section 109.57 of the Revised Code, on the person in 44917
conjunction with a criminal records check requested under 44918
section 3319.39 of the Revised Code or under this section. 44919

(b) The person presents proof that the person has been a 44920
resident of this state for the five-year period immediately 44921
prior to the date upon which the person becomes subject to a 44922
criminal records check under this section. 44923

(2) Upon receipt of a request under division (B) (1) of 44924
this section, the superintendent shall conduct the criminal 44925
records check in accordance with section 109.572 of the Revised 44926
Code as if the request had been made under section 3319.39 of 44927
the Revised Code. However, as specified in division (B) (2) of 44928
section 109.572 of the Revised Code, if the employer requests 44929
the superintendent only to obtain any criminal records that the 44930
federal bureau of investigation has on the person for whom the 44931
request is made, the superintendent shall not conduct the review 44932
prescribed by division (B) (1) of that section. 44933

(C) Any person who is the subject of a criminal records 44934
check under this section and has been convicted of or pleaded 44935
guilty to any offense described in division (B) (1) of section 44936
3319.39 of the Revised Code shall not be hired or shall be 44937
released from employment, as applicable, unless the person meets 44938
the rehabilitation standards adopted by the ~~department~~ state 44939

board under division (E) of that section. 44940

Sec. 3319.393. (A) Each school district and chartered 44941
nonpublic school shall include the following notice in boldface 44942
type in each employment application: "ANY PERSON WHO KNOWINGLY 44943
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 44944
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 44945
DEGREE." 44946

(B) (1) Each district and chartered nonpublic school shall 44947
consult the "educator profile" database maintained on the web 44948
site of the ~~department~~ state board of education prior to making 44949
any hiring decision. 44950

(2) After consulting the "educator profile" database, a 44951
district or chartered nonpublic school may further discern the 44952
employment, disciplinary, or criminal record of an applicant for 44953
employment in either or both of the following ways: 44954

(a) Consulting the state board of education's office of 44955
professional conduct ~~within the department of education~~ in 44956
accordance with section 3319.319 of the Revised Code to 44957
determine whether the individual has been the subject of either: 44958

(i) Any notice to the ~~department~~ superintendent of public 44959
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, 44960
or 5126.253 of the Revised Code; 44961

(ii) Any disciplinary actions conducted by the 44962
~~department~~ state board. 44963

(b) Consulting any prior education-related employers of 44964
the individual. 44965

(3) A district or chartered nonpublic school may require 44966
additional background checks other than the criminal records 44967

checks authorized under sections 109.574 to 109.577 of the 44968
Revised Code or those required under section 3319.39 or 3319.391 44969
of the Revised Code for any applicant for employment or 44970
potential volunteer. 44971

(C) A district or chartered nonpublic school may 44972
conditionally employ an individual pending the receipt of 44973
information sought in accordance with division (B) (2) of this 44974
section. Should that information indicate that the individual 44975
has engaged in conduct unbecoming to the teaching profession or 44976
has committed an offense that prevents, limits, or otherwise 44977
affects the applicant's employment with the district or school, 44978
the district or chartered nonpublic school may release the 44979
individual from employment. 44980

Sec. 3319.40. (A) As used in this section, "license" has 44981
the same meaning as in section 3319.31 of the Revised Code. 44982

(B) If a person who is employed by a school district or 44983
chartered nonpublic school is arrested, summoned, or indicted 44984
for an alleged violation of an offense listed in division (C) of 44985
section 3319.31 of the Revised Code, if the person holds a 44986
license, or an offense listed in division (B) (1) of section 44987
3319.39 of the Revised Code, if the person does not hold a 44988
license, the superintendent of the district or the chief 44989
administrative officer of the chartered nonpublic school shall 44990
suspend that person from all duties that require the care, 44991
custody, or control of a child during the pendency of the 44992
criminal action against the person. If the person who is 44993
arrested, summoned, or indicted for an alleged violation of an 44994
offense listed in division (C) of section 3319.31 or division 44995
(B) (1) of section 3319.39 of the Revised Code is a person whose 44996
duties are assigned by the district treasurer under division (B) 44997

of section 3313.31 of the Revised Code, the treasurer shall 44998
suspend the person from all duties that require the care, 44999
custody, or control of a child. If the person who is arrested, 45000
summoned, or indicted for an alleged violation of an offense 45001
listed in division (C) of section 3319.31 or division (B) (1) of 45002
section 3319.39 of the Revised Code is the superintendent or 45003
treasurer of the district, the district board shall suspend the 45004
superintendent or treasurer from all duties that require the 45005
care, custody, or control of a child. If the person who is 45006
arrested, summoned, or indicted for an alleged violation of an 45007
offense listed in division (C) of section 3319.31 or division 45008
(B) (1) of section 3319.39 of the Revised Code is the chief 45009
administrative officer of the chartered nonpublic school, the 45010
governing authority of the chartered nonpublic school shall 45011
suspend the chief administrative officer from all duties that 45012
require the care, custody, or control of a child. 45013

(C) When a person who holds a license is suspended in 45014
accordance with this section, the superintendent, treasurer, 45015
board of education, chief administrative officer, or governing 45016
authority that imposed the suspension promptly shall report the 45017
person's suspension to the ~~department~~state board of education. 45018
The report shall include the offense for which the person was 45019
arrested, summoned, or indicted. 45020

Sec. 3319.44. True copies of all contracts made on behalf 45021
of this state pursuant to sections 3319.42 and 3319.43 of the 45022
Revised Code shall be kept on file in the offices of the ~~state~~ 45023
department of education and workforce and of the secretary of 45024
state. The ~~state~~department of education and workforce shall 45025
publish all such contracts in convenient form. 45026

Sec. 3319.46. (A) (1) The ~~state board~~department of 45027

education and workforce shall adopt rules under Chapter 119. of 45028
the Revised Code that establish both of the following: 45029

(a) A policy and standards for the implementation of 45030
positive behavior intervention and supports framework; 45031

(b) A policy and standards for the use of physical 45032
restraint or seclusion on students. 45033

(2) ~~Within ninety days after the effective date of this~~ 45034
~~amendment, the state board~~ The department shall amend or update 45035
rule 3301-35-15 of the Administrative Code to reflect the 45036
requirements of this section. 45037

(B) (1) Each school district board of education shall do 45038
all of the following: 45039

(a) Implement a positive behavior intervention and 45040
supports framework on a system-wide basis that complies with 45041
this section; 45042

(b) Comply with any policy and standards adopted, amended, 45043
or updated by the ~~state board~~ department under this section; 45044

(c) Submit any reports required by the department ~~of~~ 45045
~~education~~ or the general assembly with respect to the 45046
implementation of a positive behavior intervention and supports 45047
framework or suspension and expulsion of students in any of 45048
grades pre-kindergarten through three. 45049

(2) Each school district's positive behavior intervention 45050
and supports framework may focus on the following: 45051

(a) Comprehensive, school-wide data systems that enable 45052
monitoring of academic progress, behavioral incidents, 45053
attendance, and other critical indicators across classrooms; 45054

(b) School-wide investment in evidence-based curricula and 45055
effective instructional strategies, matched to students' needs, 45056
and data to support teachers' academic instruction; 45057

(c) An expectation by school administrators that classroom 45058
practices be linked to and aligned with the school-wide system; 45059

(d) Improving staff climate and culture regarding the role 45060
of discipline in the classroom, established through the use of 45061
positive and proactive communication and staff recognition. 45062

(C) For purposes of this section, "positive behavior 45063
intervention and supports framework" or "positive behavior 45064
intervention and supports" means a multi-tiered, school-wide, 45065
behavioral framework developed and implemented for the purpose 45066
of improving academic and social outcomes and increasing 45067
learning for all students. 45068

(D) The department ~~of education~~ shall oversee each school 45069
district's and school's compliance with this section. 45070

Sec. 3319.55. (A) A grant program is hereby established to 45071
recognize and reward teachers in public and chartered nonpublic 45072
schools who hold valid teaching certificates or licenses issued 45073
by the national board for professional teaching standards. The 45074
~~superintendent of public instruction department of education and~~ 45075
~~workforce~~ shall administer this program in accordance with this 45076
section and ~~the rules which the state board of education it~~ 45077
~~adopts. The department shall adopt those rules in~~ accordance 45078
with Chapter 119. of the Revised Code. 45079

In each fiscal year that the general assembly appropriates 45080
funds for purposes of this section, the ~~superintendent of public~~ 45081
~~instruction department~~ shall award a grant to each person who, 45082
by the first day of April of that year and in accordance with 45083

the rules adopted under this section, submits to the 45084
~~superintendent~~department evidence indicating both of the 45085
following: 45086

(1) The person holds a valid certificate or license issued 45087
by the national board for professional teaching standards; 45088

(2) The person has been employed full-time as a teacher by 45089
the board of education of a school district or by a chartered 45090
nonpublic school in this state during the current school year. 45091

An individual may receive a grant under this section in 45092
each fiscal year the person is eligible for a grant and submits 45093
evidence of that eligibility in accordance with this section. No 45094
person may receive a grant after the expiration of the person's 45095
initial certification or license issued by the national board. 45096

(B) The amount of the grant awarded to each eligible 45097
person under division (A) of this section in any fiscal year 45098
shall equal two thousand five hundred dollars. However, if the 45099
funds appropriated for purposes of this section in any fiscal 45100
year are not sufficient to award the full grant amount to each 45101
person who is eligible in that fiscal year, the ~~superintendent~~ 45102
department shall prorate the amount of the grant awarded in that 45103
fiscal year to each eligible person. 45104

Sec. 3319.56. The department of education and workforce 45105
shall identify promising practices in Ohio and throughout the 45106
country for engaging teachers certified by the national board 45107
for professional teaching standards, and lead teachers who meet 45108
the criteria adopted by the educator standards board pursuant to 45109
section 3319.61 of the Revised Code, in ways that add value 45110
beyond their own classrooms. Practices identified by the 45111
department as promising may include placing national board 45112

certified and lead teachers in key roles in peer review 45113
programs; having such teachers serve as coaches, mentors, and 45114
trainers for other teachers; or having such teachers develop 45115
curricula or instructional integration strategies. 45116

Once the department has identified promising practices, 45117
the department shall inform all school districts of the 45118
practices by posting such information on the department's world 45119
wide web site. 45120

Sec. 3319.57. (A) A grant program is hereby established 45121
under which the department of education and workforce shall 45122
award grants to assist certain schools in a city, exempted 45123
village, local, or joint vocational school district in 45124
implementing one of the following innovations: 45125

(1) The use of instructional specialists to mentor and 45126
support classroom teachers; 45127

(2) The use of building managers to supervise the 45128
administrative functions of school operation so that a school 45129
principal can focus on supporting instruction, providing 45130
instructional leadership, and engaging teachers as part of the 45131
instructional leadership team; 45132

(3) The reconfiguration of school leadership structure in 45133
a manner that allows teachers to serve in leadership roles so 45134
that teachers may share the responsibility for making and 45135
implementing school decisions; 45136

(4) The adoption of new models for restructuring the 45137
school day or school year, such as including teacher planning 45138
and collaboration time as part of the school day; 45139

(5) The creation of smaller schools or smaller units 45140
within larger schools for the purpose of facilitating teacher 45141

collaboration to improve and advance the professional practice of teaching; 45142
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(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 45144
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(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 45149
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(8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 45151
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(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 45153
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(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 45156
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(11) The implementation of a program to increase the subject matter competency of veteran teachers. 45158
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(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 45160
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(1) Be hard to staff, as defined by the department. 45163

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded). 45164
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For purposes of division (B) (2) of this section, "state 45168

share percentage" has the same meaning as in section 3317.02 of 45169
the Revised Code. 45170

(C) The amount and number of grants awarded under this 45171
section shall be determined by the department based on any 45172
appropriations made by the general assembly for grants under 45173
this section. 45174

(D) The ~~state board of education~~ department shall adopt 45175
rules for the administration of this grant program. 45176

Sec. 3319.60. There is hereby established the educator 45177
standards board. The board shall develop and recommend to the 45178
state board of education standards for entering and continuing 45179
in the educator professions and standards for educator 45180
professional development. The board membership shall reflect the 45181
diversity of the state in terms of gender, race, ethnic 45182
background, and geographic distribution. 45183

(A) The board shall consist of the following members: 45184

(1) The following nineteen members appointed by the state 45185
board of education: 45186

(a) Ten persons employed as teachers in a school district. 45187
Three persons appointed under this division shall be employed as 45188
teachers in a secondary school, two persons shall be employed as 45189
teachers in a middle school, three persons shall be employed as 45190
teachers in an elementary school, one person shall be employed 45191
as a teacher in a pre-kindergarten classroom, and one person 45192
shall be a teacher who serves on a local professional 45193
development committee pursuant to section 3319.22 of the Revised 45194
Code. At least one person appointed under this division shall 45195
hold a teaching certificate or license issued by the national 45196
board for professional teaching standards. The Ohio education 45197

association shall submit a list of fourteen nominees for these 45198
appointments and the state board may appoint up to seven members 45199
to the educator standards board from that list. The Ohio 45200
federation of teachers shall submit a list of six nominees for 45201
these appointments and the state board may appoint up to three 45202
members to the educator standards board from that list. If there 45203
is an insufficient number of nominees from both lists to satisfy 45204
the membership requirements of this division, the state board 45205
shall request additional nominees who satisfy those 45206
requirements. 45207

(b) One person employed as a teacher in a chartered, 45208
nonpublic school. Stakeholder groups selected by the state board 45209
shall submit a list of two nominees for this appointment. 45210

(c) Five persons employed as school administrators in a 45211
school district. Of those five persons, one person shall be 45212
employed as a secondary school principal, one person shall be 45213
employed as a middle school principal, one person shall be 45214
employed as an elementary school principal, one person shall be 45215
employed as a school district treasurer or business manager, and 45216
one person shall be employed as a school district 45217
superintendent. The buckeye association of school administrators 45218
shall submit a list of two nominees for the school district 45219
superintendent, the Ohio association of school business 45220
officials shall submit a list of two nominees for the school 45221
district treasurer or business manager, the Ohio association of 45222
elementary school administrators shall submit a list of two 45223
nominees for the elementary school principal, and the Ohio 45224
association of secondary school administrators shall submit a 45225
list of two nominees for the middle school principal and a list 45226
of two nominees for the secondary school principal.- 45227

(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.

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

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

(5) The superintendent of public instruction ~~or a designee~~ 45257
~~of the superintendent,~~ the chancellor of ~~the Ohio board of~~ 45258
~~regents or a designee of the chancellor~~ higher education, the 45259
director of education and workforce, their designees, and the 45260
chairpersons and the ranking minority members of the education 45261
committees of the senate and house of representatives shall 45262
serve as nonvoting, ex officio members. 45263

(B) Terms of office shall be for two years. Each member 45264
shall hold office from the date of the member's appointment 45265
until the end of the term for which the member was appointed. At 45266
the first meeting, appointed members shall select a chairperson 45267
and a vice-chairperson. Vacancies on the board shall be filled 45268
in the same manner as prescribed for appointments under division 45269
(A) of this section. Any member appointed to fill a vacancy 45270
occurring prior to the expiration of the term for which the 45271
member's predecessor was appointed shall hold office for the 45272
remainder of such term. Any member shall continue in office 45273
subsequent to the expiration date of the member's term until the 45274
member's successor takes office, or until a period of sixty days 45275
has elapsed, whichever occurs first. The terms of office of 45276
members are renewable. 45277

(C) Members shall receive no compensation for their 45278
services. 45279

(D) The board shall establish guidelines for its 45280
operation. These guidelines shall require the creation of a 45281
standing subcommittee on higher education, and shall permit the 45282
creation of other standing subcommittees when necessary. The 45283
board shall determine the membership of any subcommittee it 45284
creates. The board may select persons who are not members of the 45285
board to participate in the deliberations of any subcommittee as 45286

representatives of stakeholder groups, but no such person shall 45287
vote on any issue before the subcommittee. 45288

Sec. 3319.61. (A) The educator standards board, in 45289
consultation with the chancellor of higher education, shall do 45290
all of the following: 45291

(1) Develop state standards for teachers and principals 45292
that reflect what teachers and principals are expected to know 45293
and be able to do at all stages of their careers. These 45294
standards shall be aligned with the statewide academic content 45295
standards for students adopted pursuant to section 3301.079 of 45296
the Revised Code, be primarily based on educator performance 45297
instead of years of experience or certain courses completed, and 45298
rely on evidence-based factors. These standards shall also be 45299
aligned with the operating standards adopted under division (D) 45300
(3) of section 3301.07 of the Revised Code. 45301

(a) The standards for teachers shall reflect the following 45302
additional criteria: 45303

(i) Alignment with the interstate new teacher assessment 45304
and support consortium standards; 45305

(ii) Differentiation among novice, experienced, and 45306
advanced teachers; 45307

(iii) Reliance on competencies that can be measured; 45308

(iv) Reliance on content knowledge, teaching skills, 45309
discipline-specific teaching methods, and requirements for 45310
professional development; 45311

(v) Alignment with a career-long system of professional 45312
development and evaluation that ensures teachers receive the 45313
support and training needed to achieve the teaching standards as 45314

well as reliable feedback about how well they meet the 45315
standards; 45316

(vi) The standards under section 3301.079 of the Revised 45317
Code, including standards on collaborative learning environments 45318
and interdisciplinary, project-based, real-world learning and 45319
differentiated instruction; 45320

(vii) The Ohio leadership framework. 45321

(b) The standards for principals shall be aligned with the 45322
interstate school leaders licensing consortium standards. 45323

(2) Develop standards for school district superintendents 45324
that reflect what superintendents are expected to know and be 45325
able to do at all stages of their careers. The standards shall 45326
reflect knowledge of systems theory and effective management 45327
principles and be aligned with the buckeye association of school 45328
administrators standards and the operating standards developed 45329
under division (D) (3) of section 3301.07 of the Revised Code. 45330

(3) Develop standards for school district treasurers and 45331
business managers that reflect what treasurers and business 45332
managers are expected to know and be able to do at all stages of 45333
their careers. The standards shall reflect knowledge of systems 45334
theory and effective management principles and be aligned with 45335
the association of school business officials international 45336
standards and the operating standards developed under division 45337
(D) (3) of section 3301.07 of the Revised Code. 45338

(4) Develop standards for the renewal of licenses under 45339
sections 3301.074 and 3319.22 of the Revised Code; 45340

(5) Develop standards for educator professional 45341
development; 45342

(6) Investigate and make recommendations for the creation, 45343
expansion, and implementation of school building and school 45344
district leadership academies; 45345

(7) Develop standards for school counselors that reflect 45346
what school counselors are expected to know and be able to do at 45347
all stages of their careers. The standards shall reflect 45348
knowledge of academic, personal, and social counseling for 45349
students and effective principles to implement an effective 45350
school counseling program. The standards also shall reflect 45351
Ohio-specific knowledge of career counseling for students and 45352
education options that provide flexibility for earning credit, 45353
such as earning units of high school credit using the methods 45354
adopted by the ~~state board~~ department of education and workforce 45355
under division (J) of section 3313.603 of the Revised Code and 45356
earning college credit through the college credit plus program 45357
established under Chapter 3365. of the Revised Code and the 45358
career-technical education credit transfer criteria, policies, 45359
and procedures established under section 3333.162 of the Revised 45360
Code. The standards shall align with the American school 45361
counselor association's professional standards and the operating 45362
standards developed under division (D) (3) of section 3301.07 of 45363
the Revised Code. 45364

The director of education and workforce, superintendent of 45365
public instruction, the chancellor of higher education, or the 45366
education standards board itself may request that the educator 45367
standards board update, review, or reconsider any standards 45368
developed under this section. 45369

(B) The educator standards board shall incorporate 45370
indicators of cultural competency into the standards developed 45371
under division (A) of this section. For this purpose, the 45372

educator standards board shall develop a definition of cultural 45373
competency based upon content and experiences that enable 45374
educators to know, understand, and appreciate the students, 45375
families, and communities that they serve and skills for 45376
addressing cultural diversity in ways that respond equitably and 45377
appropriately to the cultural needs of individual students. 45378

(C) In developing the standards under division (A) of this 45379
section, the educator standards board shall consider the impact 45380
of the standards on closing the achievement gap between students 45381
of different subgroups. 45382

(D) In developing the standards under division (A) of this 45383
section, the educator standards board shall ensure both of the 45384
following: 45385

(1) That teachers have sufficient knowledge to provide 45386
appropriate instruction for students identified as gifted 45387
pursuant to Chapter 3324. of the Revised Code and to assist in 45388
the identification of such students, and have sufficient 45389
knowledge that will enable teachers to provide learning 45390
opportunities for all children to succeed; 45391

(2) That principals, superintendents, school treasurers, 45392
and school business managers have sufficient knowledge to 45393
provide principled, collaborative, foresighted, and data-based 45394
leadership that will provide learning opportunities for all 45395
children to succeed. 45396

(E) The standards for educator professional development 45397
developed under division (A) (5) of this section shall include 45398
the following: 45399

(1) Standards for the inclusion of local professional 45400
development committees established under section 3319.22 of the 45401

Revised Code in the planning and design of professional development; 45402
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(2) Standards that address the crucial link between academic achievement and mental health issues. 45404
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(F) The educator standards board shall also perform the following functions: 45406
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 45408
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 45412
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(3) Recommend policies to close the achievement gap between students of different subgroups; 45414
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 45416
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B) (4) (d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B) (4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development 45418
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courses or demonstration of a leadership role in the teacher's 45431
school building or district. The board shall determine the 45432
number of criteria that a teacher shall satisfy to be recognized 45433
as a lead teacher, which shall not be the total number of 45434
criteria adopted by the board. 45435

(6) Develop model teacher and principal evaluation 45436
instruments and processes. The models shall be based on the 45437
standards developed under division (A) of this section. 45438

(7) Develop a method of measuring the academic improvement 45439
made by individual students during a one-year period and make 45440
recommendations for incorporating the measurement as one of 45441
multiple evaluation criteria into each of the following: 45442

(a) Eligibility for a professional educator license, 45443
senior professional educator license, lead professional educator 45444
license, or principal license issued under section 3319.22 of 45445
the Revised Code; 45446

(b) The Ohio teacher residency program established under 45447
section 3319.223 of the Revised Code; 45448

(c) The model teacher and principal evaluation instruments 45449
and processes developed under division (F) (6) of this section. 45450

~~(G) The educator standards board shall submit 45451
recommendations of standards developed under division (A) of 45452
this section to the state board of education not later than 45453
September 1, 2010. The state board of education shall review 45454
those recommendations at the state board's regular meeting that 45455
next succeeds the date that the recommendations are submitted to 45456
the state board. At that meeting, the state board of education 45457
shall vote to either adopt standards based on those 45458
recommendations or request that the educator standards board 45459~~

~~reconsider its recommendations. The state board of education— 45460
shall articulate reasons for requesting reconsideration of the— 45461
recommendations but shall not direct the content of the— 45462
recommendations. The educator standards board shall reconsider— 45463
its recommendations if the state board of education so requests,— 45464
may revise the recommendations, and shall resubmit the— 45465
recommendations, whether revised or not, to the state board not— 45466
later than two weeks prior to the state board's regular meeting— 45467
that next succeeds the meeting at which the state board— 45468
requested reconsideration of the initial recommendations. The— 45469
state board of education shall review the recommendations as— 45470
resubmitted by the educator standards board at the state board's— 45471
regular meeting that next succeeds the meeting at which the— 45472
state board requested reconsideration of the initial— 45473
recommendations and may adopt the standards as resubmitted or,— 45474
if the resubmitted standards have not addressed the state— 45475
board's concerns, the state board may modify the standards prior— 45476
to adopting them. The final responsibility to determine whether— 45477
to adopt standards as described in division (A) of this section— 45478
and the content of those standards, if adopted, belongs solely— 45479
to the state board of education.— 45480~~

Sec. 3319.611. The subcommittee on standards for 45481
superintendents of the education standards board is hereby 45482
established. The subcommittee shall consist of the following 45483
members: 45484

(A) The school district superintendent appointed to the 45485
educator standards board under section 3319.60 of the Revised 45486
Code, who shall act as chairperson of the subcommittee; 45487

(B) Three additional school district superintendents 45488
appointed by the state board of education, for terms of two 45489

years. The buckeye association of school administrators shall 45490
submit a list of six nominees for appointments under this 45491
section. 45492

(C) Three additional members of the educator standards 45493
board, appointed by the chairperson of the educator standards 45494
board; 45495

(D) The superintendent of public instruction ~~and, the~~ 45496
chancellor of ~~the Ohio board of regents~~ higher education, and the 45497
director of education and workforce, or their designees, who 45498
shall serve as nonvoting, ex officio members of the 45499
subcommittee. 45500

Members of the subcommittee shall receive no compensation 45501
for their services. The members appointed under divisions (B) 45502
and (C) of this section may be reappointed. 45503

The subcommittee shall assist the educator standards board 45504
in developing the standards for superintendents and with any 45505
additional matters the educator standards board directs the 45506
subcommittee to examine. 45507

Sec. 3319.612. The subcommittee on standards for school 45508
treasurers and business managers of the educator standards board 45509
is hereby established. The subcommittee shall consist of the 45510
following members: 45511

(A) The school district treasurer or business manager 45512
appointed to the educator standards board under section 3319.60 45513
of the Revised Code, who shall act as chairperson of the 45514
subcommittee; 45515

(B) Three additional school district treasurers or 45516
business managers appointed by the state board of education for 45517
terms of two years. The Ohio association of school business 45518

officials shall submit a list of six nominees for appointments 45519
under this section. 45520

(C) Three additional members of the educator standards 45521
board, appointed by the chairperson of the educator standards 45522
board; 45523

(D) The superintendent of public instruction ~~and~~, the 45524
chancellor of ~~the Ohio board of regents~~ higher education, and the 45525
director of education and workforce, or their designees, who 45526
shall serve as nonvoting, ex officio members of the 45527
subcommittee. 45528

Members of the subcommittee shall receive no compensation 45529
for their services. The members appointed under divisions (B) 45530
and (C) of this section may be reappointed. 45531

The subcommittee shall assist the educator standards board 45532
in developing the standards for school treasurers and business 45533
managers and with any additional matters the educator standards 45534
board directs the subcommittee to examine. 45535

Sec. 3319.613. The subcommittee on standards for teacher 45536
preparation of the educator standards board is hereby 45537
established. The subcommittee shall consist of the following 45538
members: 45539

(A) The three persons employed by institutions of higher 45540
education who are appointed by the chancellor of higher 45541
education to the educator standards board under section 3319.60 45542
of the Revised Code, one of whom shall act as chairperson of the 45543
subcommittee as determined by the subcommittee; 45544

(B) Two additional higher education representatives 45545
appointed by the state board of education, for terms of two 45546
years. One shall represent state institutions of higher 45547

education, as defined in section 3345.011 of the Revised Code, 45548
and one shall represent private nonprofit institutions of higher 45549
education. The state university education deans of Ohio, or its 45550
successor organization, shall submit to the state board one or 45551
more nominees for the appointee representing state institutions 45552
of higher education, and the Ohio association of private 45553
colleges for teacher education, or its successor organization, 45554
shall submit to the state board one or more nominees for the 45555
appointee representing private nonprofit institutions of higher 45556
education. 45557

(C) Two additional members of the educator standards 45558
board, appointed by the chairperson of the educator standards 45559
board; 45560

(D) The superintendent of public instruction~~and, the~~ 45561
chancellor of higher education, and the director of education 45562
and workforce, or their designees, who shall serve as nonvoting, 45563
ex officio members of the subcommittee. 45564

Members of the subcommittee shall receive no compensation 45565
for their services. The members appointed under divisions (B) 45566
and (C) of this section may be reappointed. 45567

The subcommittee shall assist the educator standards board 45568
with issues pertaining to educator preparation programs and with 45569
any additional matters the educator standards board directs the 45570
subcommittee to examine. 45571

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 45572
"guardian," or "other person having charge or care of a child" 45573
means either parent unless the parents are separated or divorced 45574
or their marriage has been dissolved or annulled, in which case 45575
"parent" means the parent who is the residential parent and 45576

legal custodian of the child. If the child is in the legal or 45577
permanent custody of a person or government agency, "parent" 45578
means that person or government agency. When a child is a 45579
resident of a home, as defined in section 3313.64 of the Revised 45580
Code, and the child's parent is not a resident of this state, 45581
"parent," "guardian," or "other person having charge or care of 45582
a child" means the head of the home. 45583

A child between six and eighteen years of age is "of 45584
compulsory school age" for the purpose of sections 3321.01 to 45585
3321.13 of the Revised Code. A child under six years of age who 45586
has been enrolled in kindergarten also shall be considered "of 45587
compulsory school age" for the purpose of sections 3321.01 to 45588
3321.13 of the Revised Code unless at any time the child's 45589
parent or guardian, at the parent's or guardian's discretion and 45590
in consultation with the child's teacher and principal, formally 45591
withdraws the child from kindergarten. The compulsory school age 45592
of a child shall not commence until the beginning of the term of 45593
such schools, or other time in the school year fixed by the 45594
rules of the board of the district in which the child resides. 45595

(2) In a district in which all children are admitted to 45596
kindergarten and the first grade in August or September, a child 45597
shall be admitted if the child is five or six years of age, 45598
respectively, by the thirtieth day of September of the year of 45599
admittance, or by the first day of a term or semester other than 45600
one beginning in August or September in school districts 45601
granting admittance at the beginning of such term or semester. A 45602
child who does not meet the age requirements of this section for 45603
admittance to kindergarten or first grade, but who will be five 45604
or six years old, respective, prior to the first day of January 45605
of the school year in which admission is requested, shall be 45606
evaluated for early admittance in accordance with district 45607

policy upon referral by the child's parent or guardian, an 45608
educator employed by the district, a preschool educator who 45609
knows the child, or a pediatrician or psychologist who knows the 45610
child. Following an evaluation in accordance with a referral 45611
under this section, the district board shall decide whether to 45612
admit the child. If a child for whom admission to kindergarten 45613
or first grade is requested will not be five or six years of 45614
age, respectively, prior to the first day of January of the 45615
school year in which admission is requested, the child shall be 45616
admitted only in accordance with the district's acceleration 45617
policy adopted under section 3324.10 of the Revised Code. 45618

(3) Notwithstanding division (A)(2) of this section, 45619
beginning with the school year that starts in 2001 and 45620
continuing thereafter the board of education of any district may 45621
adopt a resolution establishing the first day of August in lieu 45622
of the thirtieth day of September as the required date by which 45623
students must have attained the age specified in that division. 45624

(4) After a student has been admitted to kindergarten in a 45625
school district or chartered nonpublic school, no board of 45626
education of a school district to which the student transfers 45627
shall deny that student admission based on the student's age. 45628

(B) As used in division (C) of this section, "successfully 45629
completed kindergarten" means that the child has completed the 45630
kindergarten requirements at one of the following: 45631

(1) A public or chartered nonpublic school; 45632

(2) A kindergarten class that is both of the following: 45633

(a) Offered by a day-care provider licensed under Chapter 45634
5104. of the Revised Code; 45635

(b) If offered after July 1, 1991, is directly taught by a 45636

teacher who holds one of the following: 45637

(i) A valid educator license issued under section 3319.22 45638
of the Revised Code; 45639

(ii) A Montessori preprimary credential or age-appropriate 45640
diploma granted by the American Montessori society or the 45641
association Montessori internationale; 45642

(iii) Certification determined under division (F) of this 45643
section to be equivalent to that described in division (B) (2) (b) 45644
(ii) of this section; 45645

(iv) Certification for teachers in nontax-supported 45646
schools pursuant to section 3301.071 of the Revised Code. 45647

(C) (1) Except as provided in division (A) (2) of this 45648
section, no school district shall admit to the first grade any 45649
child who has not successfully completed kindergarten. 45650

(2) Notwithstanding division (A) (2) of this section, any 45651
student who has successfully completed kindergarten in 45652
accordance with section (B) of this section shall be admitted to 45653
first grade. 45654

(D) The scheduling of times for kindergarten classes and 45655
length of the school day for kindergarten shall be determined by 45656
the board of education of a city, exempted village, or local 45657
school district. 45658

(E) Any kindergarten class offered by a day-care provider 45659
or school described by division (B) (1) or (B) (2) (a) of this 45660
section shall be developmentally appropriate. 45661

(F) Upon written request of a day-care provider described 45662
by division (B) (2) (a) of this section, the department of 45663
education and workforce shall determine whether certification 45664

held by a teacher employed by the provider meets the requirement 45665
of division (B) (2) (b) (iii) of this section and, if so, shall 45666
furnish the provider a statement to that effect. 45667

(G) As used in this division, "all-day kindergarten" has 45668
the same meaning as in section 3321.05 of the Revised Code. 45669

(1) A school district that is offering all-day 45670
kindergarten for the first time or that charged fees or tuition 45671
for all-day kindergarten in the 2012-2013 school year may charge 45672
fees or tuition for a student enrolled in all-day kindergarten 45673
in any school year following the 2012-2013 school year. The 45674
department shall adjust the district's average daily membership 45675
certification under section 3317.03 of the Revised Code by one- 45676
half of the full-time equivalency for each student charged fees 45677
or tuition for all-day kindergarten under this division. If a 45678
district charges fees or tuition for all-day kindergarten under 45679
this division, the district shall develop a sliding fee scale 45680
based on family incomes. 45681

(2) The department ~~of education~~ shall conduct an annual 45682
survey of each school district described in division (G) (1) of 45683
this section to determine the following: 45684

(a) Whether the district charges fees or tuition for 45685
students enrolled in all-day kindergarten; 45686

(b) The amount of the fees or tuition charged; 45687

(c) How many of the students for whom tuition is charged 45688
are eligible for free lunches under the "National School Lunch 45689
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 45690
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 45691
amended, and how many of the students for whom tuition is 45692
charged are eligible for reduced price lunches under those acts; 45693

(d) How many students are enrolled in traditional half-day 45694
kindergarten rather than all-day kindergarten. 45695

Each district shall report to the department, in the 45696
manner prescribed by the department, the information described 45697
in divisions (G)(2)(a) to (d) of this section. 45698

The department shall issue an annual report on the results 45699
of the survey and shall post the report on its web site. The 45700
department shall issue the first report not later than April 30, 45701
2008, and shall issue a report not later than the thirtieth day 45702
of April each year thereafter. 45703

Sec. 3321.03. As used in this section and section 3321.04 45704
of the Revised Code, "special education program" means a school 45705
or the educational agency that provides special education and 45706
related services to children with disabilities in accordance 45707
with Chapter 3323. of the Revised Code. 45708

Except as provided in this section, the parent of a child 45709
of compulsory school age shall cause such child to attend a 45710
school in the school district in which the child is entitled to 45711
attend school under division (B) or (F) of section 3313.64 or 45712
section 3313.65 of the Revised Code, to participate in a special 45713
education program under Chapter 3323. of the Revised Code, or to 45714
otherwise cause the child to be instructed in accordance with 45715
law. Every child of compulsory school age shall attend a school 45716
or participate in a special education program that conforms to 45717
the minimum standards prescribed by the ~~state board~~ director of 45718
education and workforce until the child: 45719

(A) Receives a diploma granted by the board of education 45720
or other governing authority, successfully completes the 45721
curriculum of any high school, or successfully completes the 45722

individualized education program developed for the student by 45723
any high school pursuant to Chapter 3323. of the Revised Code; 45724

(B) Receives an age and schooling certificate as provided 45725
in section 3331.01 of the Revised Code; or 45726

(C) Is excused from school under standards adopted by the 45727
~~state board~~ department of education and workforce pursuant to 45728
section 3321.04 or 3321.042 of the Revised Code, or if in need 45729
of special education, the child is excused from such programs 45730
pursuant to section 3321.04 of the Revised Code. 45731

Sec. 3321.04. Notwithstanding division (D) of section 45732
3311.19 and division (D) of section 3311.52 of the Revised Code, 45733
this section does not apply to any joint vocational or 45734
cooperative education school district or its superintendent. 45735

Every parent of any child of compulsory school age who is 45736
not employed under an age and schooling certificate or exempt 45737
under section 3321.042 of the Revised Code must send such child 45738
to a school or a special education program that conforms to the 45739
minimum standards prescribed by the ~~state board~~ director of 45740
education and workforce, for the full time the school or program 45741
attended is in session, which shall not be for less than thirty- 45742
two weeks per school year. Such attendance must begin within the 45743
first week of the school term or program or within one week of 45744
the date on which the child begins to reside in the district or 45745
within one week after the child's withdrawal from employment. 45746

For the purpose of operating a school or program on a 45747
trimester plan, "full time the school attended is in session," 45748
as used in this section means the two trimesters to which the 45749
child is assigned by the board of education. For the purpose of 45750
operating a school or program on a quarterly plan, "full time 45751

the school attended is in session," as used in this section, 45752
means the three quarters to which the child is assigned by the 45753
board of education. For the purpose of operating a school or 45754
program on a pentamester plan, "full time the school is in 45755
session," as used in this section, means the four pentamesters 45756
to which the child is assigned by the board of education. 45757

Excuses from future attendance at or past absence from 45758
school or a special education program may be granted for the 45759
causes, by the authorities, and under the following conditions: 45760

(A) The superintendent of the school district in which the 45761
child resides may excuse the child from attendance for any part 45762
of the remainder of the current school year upon a satisfactory 45763
showing ~~of either of the following facts:~~ 45764

~~(1) That that the child's bodily or mental condition does 45765
not permit attendance at school or a special education program 45766
during such period; this fact is certified in writing by a 45767
licensed physician or, in the case of a mental condition, by a 45768
licensed physician, a licensed psychologist, licensed school 45769
psychologist or a certificated school psychologist; and 45770
provision is made for appropriate instruction of the child, in 45771
accordance with Chapter 3323. of the Revised Code;~~ 45772

~~(2) That the child is being instructed at home by a person 45773
qualified to teach the branches in which instruction is 45774
required, and such additional branches, as the advancement and 45775
needs of the child may, in the opinion of such superintendent, 45776
require. In each such case the . The issuing superintendent 45777
shall file in the superintendent's office, with a copy of the 45778
excuse, papers showing how the inability of the child to attend 45779
school or a special education program ~~or the qualifications of~~ 45780
~~the person instructing the child at home were determined. All~~ 45781~~

such excuses shall become void and subject to recall upon the 45782
removal of the disability of the child ~~or the cessation of~~ 45783
~~proper home instruction~~; and thereupon the child or the child's 45784
parents may be proceeded against after due notice whether such 45785
excuse be recalled or not. 45786

(B) The ~~state board~~ department of education and workforce 45787
may adopt rules authorizing the superintendent of schools of the 45788
district in which the child resides to excuse a child over 45789
fourteen years of age from attendance for a future limited 45790
period for the purpose of performing necessary work directly and 45791
exclusively for the child's parents or legal guardians. 45792

All excuses provided for in divisions (A) and (B) of this 45793
section shall be in writing and shall show the reason for 45794
excusing the child. A copy thereof shall be sent to the person 45795
in charge of the child. 45796

(C) The board of education of the school district or the 45797
governing authorities of a private or parochial school may in 45798
the rules governing the discipline in such schools, prescribe 45799
the authority by which and the manner in which any child may be 45800
excused for absence from such school for good and sufficient 45801
reasons. 45802

The ~~state board of education~~ department may by rule 45803
prescribe conditions governing the issuance of excuses, which 45804
shall be binding upon the authorities empowered to issue them. 45805

Sec. 3321.042. (A) A child is exempt from compulsory 45806
school attendance when receiving home education in the subject 45807
areas of English language arts, mathematics, science, history 45808
and government, and social studies as supervised and directed by 45809
the child's parent. Upon the commencement of home education or 45810

when moving into a new district, and annually thereafter within 45811
five days of the start of school in the child's school district 45812
of residence, the parent shall file a notice with the 45813
superintendent of the child's school district of residence. The 45814
notice shall include the parent's name and address, the child's 45815
name, and an assurance the child will receive instruction in the 45816
required subjects. Upon receipt of the notice, the exemption 45817
takes immediate effect, and the superintendent shall send a 45818
letter of acknowledgment to the parent. 45819

(B) A student that enrolls in a public school following 45820
any period of home education shall be placed in the appropriate 45821
grade level based on the policies of the student's resident 45822
school district. 45823

Sec. 3321.07. If any child attends upon instruction 45824
elsewhere than in a public school such instruction shall be in a 45825
school which conforms to the minimum standards prescribed by the 45826
~~state board~~ director of education and workforce. The hours and 45827
term of attendance exacted shall be equivalent to the hours and 45828
term of attendance required of children in the public schools of 45829
the district. This section does not require a child to attend a 45830
high school instead of a vocational, commercial, or other 45831
special type of school, provided the instruction therein is for 45832
a term and for hours equivalent to those of the high school, and 45833
provided ~~his~~ the child's attendance at such school will not 45834
interfere with a continuous program of education for the child 45835
to the age of sixteen. 45836

Sec. 3321.09. Attendance at a part-time school or class 45837
provided by an employer, by a partnership, corporation, or 45838
individual, by a private or parochial school, by a college, or 45839
by a philanthropic or similar agency shall serve in lieu of 45840

attendance at a part-time school or class provided by a board of 45841
education in case the given school or class is conducted for 45842
substantially a term and hours equivalent to those of the part- 45843
time schools or classes provided by the local board, and in case 45844
the school or class is approved by the ~~state board~~ department of 45845
education and workforce. When such school or class is conducted 45846
within or in connection with the establishment in which the 45847
child is working the obligation of attendance at part-time 45848
school or class indicated in section 3321.08 of the Revised 45849
Code, shall apply to the children holding age and schooling 45850
certificates who are employed in the given establishment 45851
regardless of the accessibility of public part-time schools or 45852
classes. 45853

Sec. 3321.12. Notwithstanding division (D) of section 45854
3311.19 and division (D) of section 3311.52 of the Revised Code, 45855
the provisions of this section that require reporting to the 45856
treasurer of a city school district do not require reporting to 45857
the treasurer of any joint vocational or cooperative education 45858
school district. 45859

The principal or teacher in charge of any public, private, 45860
or parochial school, shall report to the treasurer of the board 45861
of education of the city, local, or exempted village school 45862
district in which the school is situated, the names, ages, and 45863
places of residence of all pupils below eighteen years of age in 45864
attendance at their schools together with such other facts as 45865
said treasurer requires to facilitate the carrying out of the 45866
laws relating to compulsory education and the employment of 45867
minors. Such report shall be made within the first two weeks of 45868
the beginning of school in each school year, and shall be 45869
corrected with the entry of such items as are prescribed by the 45870
~~state board~~ department of education and workforce within the 45871

first week of each subsequent school month of the year. 45872

Nothing in this section shall require any person to 45873
release, or to permit access to, public school records in 45874
violation of section 3319.321 of the Revised Code. 45875

Sec. 3321.13. (A) Whenever any child of compulsory school 45876
age withdraws from school the teacher of that child shall 45877
ascertain the reason for withdrawal. The fact of the withdrawal 45878
and the reason for it shall be immediately transmitted by the 45879
teacher to the superintendent of the city, local, or exempted 45880
village school district. If the child who has withdrawn from 45881
school has done so because of change of residence, the next 45882
residence shall be ascertained and shall be included in the 45883
notice thus transmitted. The superintendent shall thereupon 45884
forward a card showing the essential facts regarding the child 45885
and stating the place of the child's new residence to the 45886
superintendent of schools of the district to which the child has 45887
moved. 45888

~~The superintendent of public instruction department of~~ 45889
education and workforce may prescribe the forms to be used in 45890
the operation of this division. 45891

(B) (1) Upon receipt of information that a child of 45892
compulsory school age has withdrawn from school for a reason 45893
other than because of change of residence and is not enrolled in 45894
and attending in accordance with school policy an approved 45895
program to obtain a diploma or its equivalent, the district 45896
superintendent shall notify the registrar of motor vehicles and 45897
the juvenile judge of the county in which the district is 45898
located of the withdrawal and failure to enroll in and attend an 45899
approved program to obtain a diploma or its equivalent. A 45900
notification to the registrar required by this division shall be 45901

given in the manner the registrar by rule requires and a 45902
notification to the juvenile judge required by this division 45903
shall be given in writing. Each notification shall be given 45904
within two weeks after the withdrawal and failure to enroll in 45905
and attend an approved program or its equivalent. 45906

(2) The board of education of a school district may adopt 45907
a resolution providing that the provisions of division (B) (2) of 45908
this section apply within the district. The provisions of 45909
division (B) (2) of this section do not apply within any school 45910
district, and no superintendent of a school district shall send 45911
a notification of the type described in division (B) (2) of this 45912
section to the registrar of motor vehicles or the juvenile judge 45913
of the county in which the district is located, unless the board 45914
of education of the district has adopted such a resolution. If 45915
the board of education of a school district adopts a resolution 45916
providing that the provisions of division (B) (2) of this section 45917
apply within the district, and if the superintendent of schools 45918
of that district receives information that, during any semester 45919
or term, a child of compulsory school age has been absent 45920
without legitimate excuse from the school the child is supposed 45921
to attend for more than sixty consecutive hours in a single 45922
month or for at least ninety hours in a school year, the 45923
superintendent shall notify the child and the child's parent, 45924
guardian, or custodian, in writing, that the information has 45925
been provided to the superintendent, that as a result of that 45926
information the child's temporary instruction permit or driver's 45927
license will be suspended or the opportunity to obtain such a 45928
permit or license will be denied, and that the child and the 45929
child's parent, guardian, or custodian may appear in person at a 45930
scheduled date, time, and place before the superintendent or a 45931
designee to challenge the information provided to the 45932

superintendent. 45933

The notification to the child and the child's parent, 45934
guardian, or custodian required by division (B)(2) of this 45935
section shall set forth the information received by the 45936
superintendent and shall inform the child and the child's 45937
parent, guardian, or custodian of the scheduled date, time, and 45938
place of the appearance that they may have before the 45939
superintendent or a designee. The date scheduled for the 45940
appearance shall be no earlier than three and no later than five 45941
days after the notification is given, provided that an extension 45942
may be granted upon request of the child or the child's parent, 45943
guardian, or custodian. If an extension is granted, the 45944
superintendent shall schedule a new date, time, and place for 45945
the appearance and shall inform the child and the child's 45946
parent, guardian, or custodian of the new date, time, and place. 45947

If the child and the child's parent, guardian, or 45948
custodian do not appear before the superintendent or a designee 45949
on the scheduled date and at the scheduled time and place, or if 45950
the child and the child's parent, guardian, or custodian appear 45951
before the superintendent or a designee on the scheduled date 45952
and at the scheduled time and place but the superintendent or a 45953
designee determines that the information the superintendent 45954
received indicating that, during the semester or term, the child 45955
had been absent without legitimate excuse from the school the 45956
child was supposed to attend for more than sixty consecutive 45957
hours or for at least ninety total hours, the superintendent 45958
shall notify the registrar of motor vehicles and the juvenile 45959
judge of the county in which the district is located that the 45960
child has been absent for that period of time and that the child 45961
does not have any legitimate excuse for the habitual absence. A 45962
notification to the registrar required by this division shall be 45963

given in the manner the registrar by rule requires and a 45964
notification to the juvenile judge required by this division 45965
shall be given in writing. Each notification shall be given 45966
within two weeks after the receipt of the information of the 45967
habitual absence from school without legitimate excuse, or, if 45968
the child and the child's parent, guardian, or custodian appear 45969
before the superintendent or a designee to challenge the 45970
information, within two weeks after the appearance. 45971

For purposes of division (B) (2) of this section, a 45972
legitimate excuse for absence from school includes, but is not 45973
limited to, the fact that the child in question has enrolled in 45974
another school or school district in this or another state, the 45975
fact that the child in question was excused from attendance for 45976
any of the reasons specified in section 3321.04 or 3321.042 of 45977
the Revised Code, or the fact that the child in question has 45978
received an age and schooling certificate in accordance with 45979
section 3331.01 of the Revised Code. 45980

(3) Whenever a pupil is suspended or expelled from school 45981
pursuant to section 3313.66 of the Revised Code and the reason 45982
for the suspension or expulsion is the use or possession of 45983
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 45984
superintendent of schools of that district may notify the 45985
registrar and the juvenile judge of the county in which the 45986
district is located of such suspension or expulsion. Any such 45987
notification of suspension or expulsion shall be given to the 45988
registrar, in the manner the registrar by rule requires and 45989
shall be given to the juvenile judge in writing. The 45990
notifications shall be given within two weeks after the 45991
suspension or expulsion. 45992

(4) Whenever a pupil is suspended, expelled, removed, or 45993

permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to the registrar or a juvenile judge under division (B) (1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to the registrar and the juvenile judge under division (B) (1), (2), (3), or (4) of this section, that the notification was given in error, the superintendent immediately shall notify the registrar and the juvenile judge of that fact.

Sec. 3321.18. The attendance officer provided for by section 3321.14 or 3321.15 of the Revised Code shall institute proceedings against any officer, parent, guardian, or other person violating laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described in sections 3321.14 to 3321.21 of the Revised Code, and perform any other service that the superintendent of schools

or board of education of the district by which the attendance 46025
officer is employed considers necessary to preserve the morals 46026
and secure the good conduct of school children, and to enforce 46027
those laws. 46028

The attendance officer shall be furnished with copies of 46029
the enumeration in each school district in which the attendance 46030
officer serves and of the lists of pupils enrolled in the 46031
schools and shall report to the superintendent discrepancies 46032
between these lists and the enumeration. 46033

The attendance officer and assistants shall cooperate with 46034
the director of commerce in enforcing the laws relating to the 46035
employment of minors. The attendance officer shall furnish upon 46036
request any data that the attendance officer and the attendance 46037
officer's assistants have collected in their reports of children 46038
from six to eighteen years of age and also concerning employers 46039
to the director and upon request to the ~~state board~~ department 46040
of education and workforce. The attendance officer shall keep a 46041
record of the attendance officer's transactions for the 46042
inspection and information of the superintendent of schools and 46043
the board of education; and shall make reports to the 46044
superintendent of schools as often as required by the 46045
superintendent. The ~~state board of education~~ department may 46046
prescribe forms for the use of attendance officers in the 46047
performance of their duties. The blank forms and record books or 46048
indexes shall be furnished to the attendance officers by the 46049
boards of education by which they are employed. 46050

Sec. 3321.19. (A) As used in this section and section 46051
3321.191 of the Revised Code, "habitual truant" has the same 46052
meaning as in section 2151.011 of the Revised Code. 46053

(B) When a board of education of any city, exempted 46054

village, local, joint vocational, or cooperative education 46055
school district or the governing board of any educational 46056
service center determines that a student in its district has 46057
been truant and the parent, guardian, or other person having 46058
care of the child has failed to cause the student's attendance 46059
at school, the board may require the parent, guardian, or other 46060
person having care of the child pursuant to division (B) of this 46061
section to attend an educational program established pursuant to 46062
rules adopted by the ~~state board~~ department of education and 46063
workforce for the purpose of encouraging parental involvement in 46064
compelling the attendance of the child at school. 46065

No parent, guardian, or other person having care of a 46066
child shall fail without good cause to attend an educational 46067
program described in this division if the parent, guardian, or 46068
other person has been served notice pursuant to division (C) of 46069
this section. 46070

(C) On the request of the superintendent of schools, the 46071
superintendent of any educational service center, the board of 46072
education of any city, exempted village, local, joint 46073
vocational, or cooperative education school district, or the 46074
governing board of any educational service center or when it 46075
otherwise comes to the notice of the attendance officer or other 46076
appropriate officer of the school district, the attendance 46077
officer or other appropriate officer shall examine into any case 46078
of supposed truancy within the district and shall warn the 46079
child, if found truant, and the child's parent, guardian, or 46080
other person having care of the child, in writing, of the legal 46081
consequences of being truant. When any child of compulsory 46082
school age, in violation of law, is not attending school, the 46083
attendance or other appropriate officer shall notify the parent, 46084
guardian, or other person having care of that child of the fact, 46085

and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, subject to divisions (D) and (E) of this section, may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

(D) (1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.

(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 46117
section 3321.38 of the Revised Code. 46118

(E) A school district with a chronic absenteeism 46119
percentage that is less than five per cent, as displayed on the 46120
district's most recent report card issued under section 3302.03 46121
of the Revised Code, and the school buildings within that 46122
district, shall be exempt from the requirement to assign 46123
habitually truant students to an absence intervention team for 46124
the following school year and shall instead take any appropriate 46125
action as an intervention strategy contained in the policy 46126
developed by the district board pursuant to divisions (A) and 46127
(B) of section 3321.191 of the Revised Code. In the event that 46128
those intervention strategies fail, within sixty-one days after 46129
their implementation, the attendance officer shall file a 46130
complaint, provided that the conditions described in division 46131
(B) of section 3321.16 of the Revised Code are satisfied. 46132

Sec. 3321.191. (A) Effective beginning with the 2017-2018 46133
school year, the board of education of each city, exempted 46134
village, local, joint vocational, and cooperative education 46135
school district and the governing board of each educational 46136
service center shall adopt a new or amended policy to guide 46137
employees of the school district or service center in addressing 46138
and ameliorating student absences. In developing the policy, the 46139
appropriate board shall consult with the judge of the juvenile 46140
court of the county or counties in which the district or service 46141
center is located, with the parents, guardians, or other persons 46142
having care of the pupils attending school in the district, and 46143
with appropriate state and local agencies. 46144

(B) The policy developed under division (A) of this 46145
section shall include as an intervention strategy all of the 46146

following actions, if applicable: 46147

(1) Providing a truancy intervention plan for any student 46148
who is excessively absent from school, as described in the first 46149
paragraph of division (C) of this section; 46150

(2) Providing counseling for an habitual truant; 46151

(3) Requesting or requiring a parent, guardian, or other 46152
person having care of an habitual truant to attend parental 46153
involvement programs, including programs adopted under section 46154
3313.472 or 3313.663 of the Revised Code; 46155

(4) Requesting or requiring a parent, guardian, or other 46156
person having care of an habitual truant to attend truancy 46157
prevention mediation programs; 46158

(5) Notification of the registrar of motor vehicles under 46159
section 3321.13 of the Revised Code; 46160

(6) Taking legal action under section 2919.222, 3321.20, 46161
or 3321.38 of the Revised Code. 46162

(C) (1) In the event that a child of compulsory school age 46163
is absent with a nonmedical excuse or without legitimate excuse 46164
from the public school the child is supposed to attend for 46165
thirty-eight or more hours in one school month, or sixty-five or 46166
more hours in a school year, the attendance officer of that 46167
school shall notify the child's parent, guardian, or custodian 46168
of the child's absences, in writing, within seven days after the 46169
date after the absence that triggered the notice requirement. At 46170
the time notice is given, the school also may take any 46171
appropriate action as an intervention strategy contained in the 46172
policy developed by the board pursuant to division (A) of this 46173
section. 46174

(2) (a) If the absences of a student surpass the threshold 46175
for an habitual truant as set forth in section 2151.011 of the 46176
Revised Code, the principal or chief administrator of the school 46177
or the superintendent of the school district shall assign the 46178
student to an absence intervention team. Within fourteen school 46179
days after the assignment of a student to an absence 46180
intervention team, the team shall develop an intervention plan 46181
for that student in an effort to reduce or eliminate further 46182
absences. Each intervention plan shall vary based on the 46183
individual needs of the student, but the plan shall state that 46184
the attendance officer shall file a complaint not later than 46185
sixty-one days after the date the plan was implemented, if the 46186
child has refused to participate in, or failed to make 46187
satisfactory progress on, the intervention plan or an 46188
alternative to adjudication under division (C) (2) (b) of section 46189
3321.191 of the Revised Code. Within seven days after the 46190
development of the plan, the school district or school shall 46191
make reasonable efforts to provide the student's parent, 46192
guardian, custodian, guardian ad litem, or temporary custodian 46193
with written notice of the plan. 46194

(b) As part of the absence intervention plan described in 46195
division (C) (2) of this section, the school district or school, 46196
in its discretion, may contact the appropriate juvenile court 46197
and ask to have a student informally enrolled in any alternative 46198
to adjudication described in division (G) of section 2151.27 of 46199
the Revised Code. If the school district or school chooses to 46200
have students informally enrolled in an alternative to 46201
adjudication, the school district or school shall develop a 46202
written policy regarding the use of, and selection process for, 46203
offering alternatives to adjudication to ensure fairness. 46204

(c) The superintendent of each school district, or the 46205

superintendent's designee, shall establish an absence 46206
intervention team for the district to be used by any schools of 46207
the district that do not establish their own absence 46208
intervention team as permitted under division (C)(2)(d) of this 46209
section. Membership of each absence intervention team may vary 46210
based on the needs of each individual student but shall include 46211
a representative from the child's school district or school, 46212
another representative from the child's school district or 46213
school who knows the child, and the child's parent or parent's 46214
designee, or the child's guardian, custodian, guardian ad litem, 46215
or temporary custodian. The team also may include a school 46216
psychologist, counselor, social worker, or representative of a 46217
public or nonprofit agency designed to assist students and their 46218
families in reducing absences. 46219

(d) The principal or chief administrator of each school 46220
may establish an absence intervention team or series of teams to 46221
be used in lieu of the district team established pursuant to 46222
division (C)(2)(c) of this section. Membership of each absence 46223
intervention team may vary based on the needs of each individual 46224
student but shall include a representative from the child's 46225
school district or school, another representative from the 46226
child's school district or school who knows the child, and the 46227
child's parent or parent's designee, or the child's guardian, 46228
custodian, guardian ad litem, or temporary custodian. The team 46229
also may include a school psychologist, counselor, social 46230
worker, or representative of a public or nonprofit agency 46231
designed to assist students and their families in reducing 46232
absences. 46233

(e) A superintendent, as described in division (C)(2)(c) 46234
of this section, or principal or chief administrator, as 46235
described in division (C)(2)(d) of this section, shall select 46236

the members of an absence intervention team within seven school days of the triggering event described in division (C) (2) (a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this

method, the plan shall be implemented not later than seven days 46267
prior to the first day of instruction of the next school year. 46268
In the alternative, the school district or school may toll the 46269
time periods to accommodate for the summer months and reconvene 46270
the absence intervention process upon the first day of 46271
instruction of the next school year. 46272

(3) For purposes of divisions (C) (2) (c) and (d) of this 46273
section, the ~~state board department~~ department of education and workforce 46274
shall develop a format for parental permission to ensure 46275
compliance with the "Family Educational Rights and Privacy Act 46276
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 46277
regulations promulgated under that act, and section 3319.321 of 46278
the Revised Code. 46279

(D) Each school district or school may consult or partner 46280
with public and nonprofit agencies to provide assistance as 46281
appropriate to students and their families in reducing absences. 46282

(E) Beginning with the 2017-2018 school year, each school 46283
district shall report to the ~~department of education~~, as soon as 46284
practicable, and in a format and manner determined by the 46285
department, any of the following occurrences: 46286

(1) When a notice required by division (C) (1) of this 46287
section is submitted to a parent, guardian, or custodian; 46288

(2) When a child of compulsory school age has been absent 46289
without legitimate excuse from the public school the child is 46290
supposed to attend for thirty or more consecutive hours, forty- 46291
two or more hours in one school month, or seventy-two or more 46292
hours in a school year; 46293

(3) When a child of compulsory school age who has been 46294
adjudicated an unruly child for being an habitual truant 46295

violates the court order regarding that adjudication; 46296

(4) When an absence intervention plan has been implemented 46297
for a child under this section. 46298

(F) Nothing in this section shall be construed to limit 46299
the duty or authority of a district board of education or 46300
governing body of an educational service center to develop other 46301
policies related to truancy or to limit the duty or authority of 46302
any employee of the school district or service center to respond 46303
to pupil truancy. However, a board shall be subject to the 46304
prohibition against suspending, expelling, or otherwise 46305
preventing a student from attending school for excessive 46306
absences as prescribed by section 3313.668 of the Revised Code. 46307

Sec. 3323.01. As used in this chapter: 46308

(A) "Child with a disability" means a child who is at 46309
least three years of age and less than twenty-two years of age; 46310
who has an intellectual disability, a hearing impairment 46311
(including deafness), a speech or language impairment, a visual 46312
impairment (including blindness), a serious emotional 46313
disturbance, an orthopedic impairment, autism, traumatic brain 46314
injury, an other health impairment, a specific learning 46315
disability (including dyslexia), deaf-blindness, or multiple 46316
disabilities; and who, by reason thereof, needs special 46317
education and related services. 46318

A "child with a disability" may include a child who is at 46319
least three years of age and less than six years of age; who is 46320
experiencing developmental delays, as defined by standards 46321
adopted by the ~~state board~~ department of education and workforce 46322
and as measured by appropriate diagnostic instruments and 46323
procedures in one or more of the following areas: physical 46324

development, cognitive development, communication development, 46325
social or emotional development, or adaptive development; and 46326
who, by reason thereof, needs special education and related 46327
services. 46328

(B) "Free appropriate public education" means special 46329
education and related services that meet all of the following: 46330

(1) Are provided at public expense, under public 46331
supervision and direction, and without charge; 46332

(2) Meet the standards of the ~~state board of education~~ 46333
department; 46334

(3) Include an appropriate preschool, elementary, or 46335
secondary education as otherwise provided by the law of this 46336
state; 46337

(4) Are provided for each child with a disability in 46338
conformity with the child's individualized education program. 46339

(C) "Homeless children" means "homeless children and 46340
youths" as defined in section 725 of the "McKinney-Vento 46341
Homeless Assistance Act," 42 U.S.C. 11434a. 46342

(D) "Individualized education program" or "IEP" means the 46343
written statement described in section 3323.011 of the Revised 46344
Code. 46345

(E) "Individualized education program team" or "IEP team" 46346
means a group of individuals composed of: 46347

(1) The parents of a child with a disability; 46348

(2) At least one regular education teacher of the child, 46349
if the child is or may be participating in the regular education 46350
environment; 46351

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

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

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

(b) Is knowledgeable about the general education curriculum;

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

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

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

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

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

(G) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, which is not a city, local, or exempted village school district or an agency administered by the department of developmental

disabilities, that provides or seeks to provide special 46380
education or related services to children with disabilities. The 46381
term "other educational agency" includes a joint vocational 46382
school district. 46383

(H) "Parent" of a child with a disability, except as used 46384
in sections 3323.09 and 3323.141 of the Revised Code, means: 46385

(1) A natural or adoptive parent of a child but not a 46386
foster parent of a child; 46387

(2) A guardian, but not the state if the child is a ward 46388
of the state; 46389

(3) An individual acting in the place of a natural or 46390
adoptive parent, including a grandparent, stepparent, or other 46391
relative, with whom the child lives, or an individual who is 46392
legally responsible for the child's welfare; 46393

(4) An individual assigned to be a surrogate parent, 46394
provided the individual is not prohibited by this chapter from 46395
serving as a surrogate parent for a child. 46396

(I) "Preschool child with a disability" means a child with 46397
a disability who is at least three years of age but is not of 46398
compulsory school age, as defined under section 3321.01 of the 46399
Revised Code, and who is not currently enrolled in kindergarten. 46400

(J) "Related services" means transportation, and such 46401
developmental, corrective, and other supportive services 46402
(including speech-language pathology and audiology services, 46403
interpreting services, psychological services, physical and 46404
occupational therapy, recreation, including therapeutic 46405
recreation, school nurse services designed to enable a child 46406
with a disability to receive a free appropriate public education 46407
as described in the individualized education program of the 46408

child, counseling services, including rehabilitation counseling, 46409
orientation and mobility services, school health services, 46410
social work services in schools, and parent counseling and 46411
training, and medical services, except that such medical 46412
services shall be for diagnostic and evaluation purposes only) 46413
as may be required to assist a child with a disability to 46414
benefit from special education, and includes the early 46415
identification and assessment of disabling conditions in 46416
children. "Related services" does not include a medical device 46417
that is surgically implanted, or the replacement of such device. 46418

(K) "School district" means a city, local, or exempted 46419
village school district. 46420

(L) "School district of residence," as used in sections 46421
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 46422
means: 46423

(1) The school district in which the child's natural or 46424
adoptive parents reside; 46425

(2) If the school district specified in division (L)(1) of 46426
this section cannot be determined, the last school district in 46427
which the child's natural or adoptive parents are known to have 46428
resided if the parents' whereabouts are unknown; 46429

(3) If the school district specified in division ~~(M)~~(L)(2) 46430
of this section cannot be determined, the school district 46431
determined under section 2151.362 of the Revised Code, or if no 46432
district has been so determined, the school district as 46433
determined by the probate court of the county in which the child 46434
resides. 46435

(4) Notwithstanding divisions ~~(M)~~(L)(1) to (3) of this 46436
section, if a school district is required by section 3313.65 of 46437

the Revised Code to pay tuition for a child, that district shall 46438
be the child's school district of residence. 46439

(M) "Special education" means specially designed 46440
instruction, at no cost to parents, to meet the unique needs of 46441
a child with a disability. "Special education" includes 46442
instruction conducted in the classroom, in the home, in 46443
hospitals and institutions, and in other settings, including an 46444
early childhood education setting, and instruction in physical 46445
education. 46446

(N) "Student with a visual impairment" means any person 46447
who is less than twenty-two years of age and who has a visual 46448
impairment as that term is defined in this section. 46449

(O) "Transition services" means a coordinated set of 46450
activities for a child with a disability that meet all of the 46451
following: 46452

(1) Is designed to be within a results-oriented process, 46453
that is focused on improving the academic and functional 46454
achievement of the child with a disability to facilitate the 46455
child's movement from school to post-school activities, 46456
including post-secondary education; vocational education; 46457
integrated employment (including supported employment); 46458
continuing and adult education; adult services; independent 46459
living; or community participation; 46460

(2) Is based on the individual child's needs, taking into 46461
account the child's strengths, preferences, and interests; 46462

(3) Includes instruction, related services, community 46463
experiences, the development of employment and other post-school 46464
adult living objectives, and, when appropriate, acquisition of 46465
daily living skills and functional vocational evaluation. 46466

"Transition services" for children with disabilities may 46467
be special education, if provided as specially designed 46468
instruction, or may be a related service, if required to assist 46469
a child with a disability to benefit from special education. 46470

(P) "Visual impairment" for any individual means that one 46471
of the following applies to the individual: 46472

(1) The individual has a visual acuity of 20/200 or less 46473
in the better eye with correcting lenses or has a limited field 46474
of vision in the better eye such that the widest diameter 46475
subtends an angular distance of no greater than twenty degrees. 46476

(2) The individual has a medically indicated expectation 46477
of meeting the requirements of division (P) (1) of this section 46478
over a period of time. 46479

(3) The individual has a medically diagnosed and medically 46480
uncorrectable limitation in visual functioning that adversely 46481
affects the individual's ability to read and write standard 46482
print at levels expected of the individual's peers of comparable 46483
ability and grade level. 46484

(Q) "Ward of the state" has the same meaning as in section 46485
602(36) of the "Individuals with Disabilities Education 46486
Improvement Act of 2004," 20 U.S.C. 1401(36). 46487

Sec. 3323.011. As used in this chapter, "individualized 46488
education program" or "IEP" means a written statement for each 46489
child with a disability that is developed, reviewed, and revised 46490
in accordance with this definition and that includes: 46491

(A) A statement of the child's present levels of academic 46492
achievement and functional performance, including: 46493

(1) How the child's disability affects the child's 46494

involvement and progress in the general education curriculum; 46495

(2) For a preschool child with a disability, as 46496
appropriate, how the disability affects the child's 46497
participation in appropriate activities; 46498

(3) For a child with a disability who is not a preschool 46499
child and who will take alternate assessments aligned to 46500
alternate achievement standards, a description of benchmarks or 46501
short-term objectives. 46502

(B) A statement of measurable annual goals, including 46503
academic and functional goals and, at the discretion of the 46504
department of education and workforce, short-term instructional 46505
objectives that are designed to: 46506

(1) Meet the child's needs that result from the child's 46507
disability so as to enable the child to be involved in and make 46508
progress in the general education curriculum; 46509

(2) Meet each of the child's other educational needs that 46510
result from the child's disability. 46511

(C) A description of how the child's progress toward 46512
meeting the annual goals described pursuant to division (B) of 46513
this section will be measured and when periodic reports on the 46514
progress the child is making toward meeting the annual goals 46515
will be provided. Such reports may be quarterly or other 46516
periodic reports that are issued concurrent with the issuance of 46517
regular report cards. 46518

(D) A statement of the special education and related 46519
services and supplementary aids and services, based on peer- 46520
reviewed research to the extent practicable, to be provided to 46521
the child, or on behalf of the child, and a statement of the 46522
program modifications or supports for school personnel that will 46523

be provided for the child so that the child may: 46524

(1) Advance appropriately toward attaining the annual 46525
goals described pursuant to division (B) of this section; 46526

(2) Be involved in and make progress in the general 46527
education curriculum and participate in extracurricular and 46528
other nonacademic activities; 46529

(3) Be educated with and participate with both other 46530
children with disabilities and nondisabled children in the 46531
specific activities described pursuant to division (D) of this 46532
section. 46533

(E) An explanation of the extent, if any, to which the 46534
child will not participate with nondisabled children in the 46535
regular class, including an early childhood education setting, 46536
and in the activities described pursuant to division (D) of this 46537
section; 46538

(F) A statement of any individual appropriate 46539
accommodations that are necessary to measure the academic 46540
achievement and functional performance of the child on state and 46541
districtwide assessments consistent with section 612(a)(16) of 46542
the "Individuals with Disabilities Education Improvement Act of 46543
2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that 46544
the child shall take an alternate assessment on a particular 46545
state or districtwide assessment of student achievement, the IEP 46546
shall contain a statement of why the child cannot participate in 46547
the regular assessment and why the particular alternate 46548
assessment selected is appropriate for the child. 46549

(G) The projected date for the beginning of the services 46550
and modifications described pursuant to division (D) of this 46551
section and the anticipated frequency, location, and duration of 46552

those services and modifications; 46553

(H) Beginning not later than the first IEP to be in effect 46554
when the child is fourteen years of age, and updated annually 46555
thereafter, a statement describing: 46556

(1) Appropriate measurable post-secondary goals based upon 46557
age-appropriate transition assessments related to training, 46558
education, and independent living skills; 46559

(2) Appropriate measurable post-secondary goals based on 46560
age-appropriate transition assessments related to employment in 46561
a competitive environment in which workers are integrated 46562
regardless of disability; 46563

(3) The transition services, including courses of study, 46564
needed to assist the child in reaching the goals described in 46565
divisions (H) (1) and (2) of this section. 46566

(I) Beginning not later than one year before the child 46567
reaches eighteen years of age, a statement that the child has 46568
been informed of the child's rights under Title XX of the United 46569
States Code that will transfer to the child on reaching eighteen 46570
years of age in accordance with section 615(m) of the 46571
"Individuals with Disabilities Education Improvement Act of 46572
2004," 20 U.S.C. 1415(m). 46573

Nothing in this section shall be construed to require that 46574
additional information be included in a child's IEP beyond the 46575
items explicitly required by this section and that the IEP team 46576
include information under one component of a child's IEP that is 46577
already contained under another component of the IEP. 46578

Sec. 3323.02. As used in this section, "IDEIA" means the 46579
"Individuals with Disabilities Education Improvement Act of 46580
2004," Pub. L. No. 108-446. 46581

It is the purpose of this chapter to ensure that all 46582
children with disabilities residing in this state who are at 46583
least three years of age and less than twenty-two years of age, 46584
including children with disabilities who have been suspended or 46585
expelled from school, have available to them a free appropriate 46586
public education. No school district, county board of 46587
developmental disabilities, or other educational agency shall 46588
receive state or federal funds for special education and related 46589
services unless those services for children with disabilities 46590
are provided in accordance with IDEIA and related provisions of 46591
the Code of Federal Regulations, the provisions of this chapter, 46592
rules and standards adopted by the ~~state board~~ department of 46593
education and workforce, and any procedures or guidelines issued 46594
by the ~~superintendent of public instruction~~ director of education 46595
and workforce. Any options or discretion provided to the state 46596
by IDEIA may be exercised in state law or in rules or standards 46597
adopted by the ~~state board of education~~ department. 46598

The ~~state board of education~~ department shall establish 46599
rules or standards for the provision of special education and 46600
related services for all children with disabilities who are at 46601
least three years of age and less than twenty-two years of age 46602
residing in the state, regardless of the severity of their 46603
disabilities, including children with disabilities who have been 46604
suspended or expelled from school. The state law and the rules 46605
or standards of the ~~state board of education~~ department may 46606
impose requirements that are not required by IDEIA or related 46607
provisions of the Code of Federal Regulations. The school 46608
district of residence is responsible, in all instances, for 46609
ensuring that the requirements of Part B of IDEIA are met for 46610
every eligible child in its jurisdiction, regardless of whether 46611
services are provided by another school district, other 46612

educational agency, or other agency, department, or entity, 46613
unless IDEIA or related provisions of the Code of Federal 46614
Regulations, another section of this chapter, or a rule adopted 46615
by the ~~state board of education~~ department specifies that 46616
another school district, other educational agency, or other 46617
agency, department, or entity is responsible for ensuring 46618
compliance with Part B of IDEIA. 46619

Notwithstanding division (A) (4) of section 3301.53 of the 46620
Revised Code and any rules adopted pursuant to that section and 46621
division (A) of section 3313.646 of the Revised Code, a board of 46622
education of a school district may provide special education and 46623
related services for preschool children with disabilities in 46624
accordance with this chapter and section 3301.52, divisions (A) 46625
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 46626
3301.54 to 3301.59 of the Revised Code. 46627

The ~~superintendent of public instruction~~ department may 46628
require any state or local agency to provide documentation that 46629
special education and related services for children with 46630
disabilities provided by the agency are in compliance with the 46631
requirements of this chapter. 46632

Not later than the first day of February of each year the 46633
~~superintendent of public instruction~~ department shall furnish 46634
the chairpersons of the education committees of the house of 46635
representatives and the senate with a report on the status of 46636
implementation of special education and related services for 46637
children with disabilities required by this chapter. The report 46638
shall include but shall not be limited to the following items: 46639
the most recent available figures on the number of children 46640
identified as children with disabilities and the number of 46641
identified children receiving special education and related 46642

services. The information contained in these reports shall be 46643
public information. 46644

Sec. 3323.021. As used in this section, "participating 46645
county board of developmental disabilities" means a county board 46646
of developmental disabilities electing to participate in the 46647
provision of or contracting for educational services for 46648
children under division (D) of section 5126.05 of the Revised 46649
Code. 46650

(A) When a school district, educational service center, or 46651
participating county board of developmental disabilities enters 46652
into an agreement or contract with another school district, 46653
educational service center, or participating county board of 46654
developmental disabilities to provide educational services to a 46655
disabled child during a school year, both of the following shall 46656
apply: 46657

(1) Beginning with fiscal year 1999, if the provider of 46658
the services intends to increase the amount it charges for some 46659
or all of those services during the next school year or if the 46660
provider intends to cease offering all or part of those services 46661
during the next school year, the provider shall notify the 46662
entity for which the services are provided of these intended 46663
changes no later than the first day of March of the current 46664
fiscal year. 46665

(2) Beginning with fiscal year 1999, if the entity for 46666
which services are provided intends to cease obtaining those 46667
services from the provider for the next school year or intends 46668
to change the type or amount of services it obtains from the 46669
provider for the next school year, the entity shall notify the 46670
service provider of these intended changes no later than the 46671
first day of March of the current fiscal year. 46672

(B) School districts, educational service centers, 46673
participating county boards of developmental disabilities, and 46674
other applicable governmental entities shall collaborate where 46675
possible to maximize federal sources of revenue to provide 46676
additional funds for special education related services for 46677
disabled children. Annually, each school district shall report 46678
to the department of education and workforce any amounts of such 46679
federal revenue the district received. 46680

(C) The ~~state board~~ department of education and workforce, 46681
the department of developmental disabilities, and the department 46682
of medicaid shall develop working agreements for pursuing 46683
additional funds for services for disabled children. 46684

Sec. 3323.022. The rules of the ~~state board~~ department of 46685
education and workforce for staffing ratios for programs with 46686
preschool children with disabilities shall require the 46687
following: 46688

(A) A full-time staff member shall be provided when there 46689
are eight full-day or sixteen half-day preschool children 46690
eligible for special education enrolled in a center-based 46691
preschool special education program. 46692

(B) Staff ratios of one teacher for every eight children 46693
shall be maintained at all times for a program with a center- 46694
based teacher, and a second adult shall be present when there 46695
are nine or more children, including nondisabled children 46696
enrolled in a class session. 46697

(C) Unless otherwise specified in the individualized 46698
education program, a minimum of ten hours of services per week 46699
shall be provided for each child served by a center-based 46700
teacher. 46701

Sec. 3323.03. The ~~state board~~ department of education and workforce shall, in consultation with the department of health, 46702
the department of mental health and addiction services, and the 46703
department of developmental disabilities, establish standards 46704
and procedures for the identification, location, and evaluation 46705
of all children with disabilities residing in the state, 46706
including children with disabilities who are homeless children 46707
or are wards of the state and children with disabilities 46708
attending nonpublic schools, regardless of the severity of their 46709
disabilities, and who are in need of special education and 46710
related services. The ~~state board~~ department of education and 46711
workforce shall develop and implement a practical method to 46712
determine which children with disabilities are currently 46713
receiving needed special education and related services. 46714
46715

In conducting the evaluation, the board of education of 46716
each school district shall use a variety of assessment tools and 46717
strategies to gather relevant functional, developmental, and 46718
academic information about the child, including information 46719
provided by the child's parent. The board of education of each 46720
school district, in consultation with the county board of 46721
developmental disabilities, the county family and children first 46722
council, and the board of alcohol, drug addiction, and mental 46723
health services of each county in which the school district has 46724
territory, shall identify, locate, and evaluate all children 46725
with disabilities residing within the district to determine 46726
which children with disabilities are not receiving appropriate 46727
special education and related services. In addition, the board 46728
of education of each school district, in consultation with such 46729
county boards or council, shall identify, locate, and evaluate 46730
all children with disabilities who are enrolled by their parents 46731
in nonpublic elementary and secondary schools located within the 46732

public school district, without regard to where those children 46733
reside in accordance with rules ~~of the state board of education~~ 46734
or guidelines of the ~~superintendent of public instruction~~ 46735
department of education and workforce. 46736

Each county board of developmental disabilities, county 46737
family and children first council, and board of alcohol, drug 46738
addiction, and mental health services and the board's or 46739
council's contract agencies may transmit to boards of education 46740
the names and addresses of children with disabilities who are 46741
not receiving appropriate special education and related 46742
services. 46743

Sec. 3323.04. The ~~state board~~ department of education and 46744
workforce, in consultation with the department of mental health 46745
and addiction services and the department of developmental 46746
disabilities, shall establish procedures and standards for the 46747
development of individualized education programs for children 46748
with disabilities. 46749

The ~~state board~~ department of education and workforce 46750
shall require the board of education of each school district to 46751
develop an individualized education program for each child with 46752
a disability who is at least three years of age and less than 46753
twenty-two years of age residing in the district in a manner 46754
that is in accordance with rules of the ~~state board~~ department. 46755

Prior to the placement of a child with a disability in a 46756
program operated under section 3323.09 of the Revised Code, the 46757
district board of education shall consult the county board of 46758
developmental disabilities of the county in which the child 46759
resides regarding the proposed placement. 46760

A child with a disability enrolled in a nonpublic school 46761

or facility shall be provided special education and related 46762
services, in accordance with an individualized education 46763
program, at no cost for those services, if the child is placed 46764
in, or referred to, that nonpublic school or facility by the 46765
department of education and workforce or a school district. 46766

The IEP team shall review the individualized education 46767
program of each child with a disability periodically, but at 46768
least annually, to determine whether the annual goals for the 46769
child are being achieved, and shall revise the individualized 46770
education program as appropriate. 46771

The ~~state board~~ department of education and workforce 46772
shall establish procedures and standards to assure that to the 46773
maximum extent appropriate, children with disabilities, 46774
including children in public or private institutions or other 46775
care facilities, shall be educated with children who are not 46776
disabled. Special classes, separate schools, or other removal of 46777
children with disabilities from the regular educational 46778
environment shall be used only when the nature or severity of a 46779
child's disability is such that education in regular classes 46780
with supplementary aids and services cannot be achieved 46781
satisfactorily. 46782

If an agency directly affected by a placement decision 46783
objects to such decision, an impartial hearing officer, 46784
appointed by the department of education and workforce from a 46785
list prepared by the department, shall conduct a hearing to 46786
review the placement decision. The agencies that are parties to 46787
a hearing shall divide the costs of such hearing equally. The 46788
decision of the hearing officer shall be final, except that any 46789
party to the hearing who is aggrieved by the findings or the 46790
decision of the hearing officer may appeal the findings or 46791

decision in accordance with division (H) of section 3323.05 of 46792
the Revised Code or the parent of any child affected by such 46793
decision may present a complaint in accordance with that 46794
section. 46795

Sec. 3323.041. To the extent consistent with the number 46796
and location of children with disabilities in the state who are 46797
enrolled by their parents in nonpublic elementary and secondary 46798
schools in the school district served by a board of education of 46799
a school district, provision is made for the participation of 46800
those children in the program for the education of children with 46801
disabilities which is assisted or carried out under Part B of 46802
the "Individuals with Disabilities Education Improvement Act of 46803
2004, P.L." Pub. L. No. 108-446. The district in which the 46804
nonpublic elementary or secondary school is located shall 46805
provide for such children special education and related services 46806
in accordance with Section 612(a)(10) of the "Individuals with 46807
Disabilities Education Improvement Act of 2004," 20 U.S.C. 46808
1412(a)(10) and related provisions of the Code of Federal 46809
Regulations and in accordance with any rules adopted ~~by the~~ 46810
~~state board of education,~~ or guidelines issued, by the 46811
~~superintendent of public instruction,~~ department of education and 46812
workforce. 46813

Amounts to be expended for the provision of those 46814
services, including direct services to parentally placed 46815
nonpublic school children, by the school district shall be equal 46816
to a proportionate amount of federal funds made available under 46817
Part B of the "Individuals with Disabilities Education 46818
Improvement Act of 2004." The school district shall exercise the 46819
following responsibilities towards parentally placed children 46820
with disabilities who attend nonpublic schools located in the 46821
school district: child find, timely and meaningful consultation, 46822

written affirmation of timely and meaningful consultation, 46823
compliance, and provision of equitable services, as provided by 46824
the "Individuals with Disabilities Education Improvement Act of 46825
2004" and related provisions of the Code of Federal Regulations 46826
and in accordance with any rules adopted by ~~the state board of~~ 46827
~~education,~~ or guidelines issued by ~~the superintendent of public~~ 46828
~~instruction department.~~ 46829

Sec. 3323.05. The ~~state board department~~ of education and 46830
workforce shall establish procedures to ensure that children 46831
with disabilities and their parents are guaranteed procedural 46832
safeguards under this chapter with respect to a free appropriate 46833
public education. 46834

The procedures shall include, but need not be limited to: 46835

(A) An opportunity for the parents of a child with a 46836
disability to examine all records related to the child and to 46837
participate in meetings with respect to identification, 46838
evaluation, and educational placement of the child, and to 46839
obtain an independent educational evaluation of the child; 46840

(B) Procedures to protect the rights of the child whenever 46841
the parents of the child are not known, an agency after making 46842
reasonable efforts cannot find the parents, or the child is a 46843
ward of the state, including the assignment of an individual to 46844
act as a surrogate for the parents made by the school district 46845
or other educational agency responsible for educating the child 46846
or by the court with jurisdiction over the child's custody. Such 46847
assignment shall be made in accordance with section 3323.051 of 46848
the Revised Code. 46849

(C) Prior written notice to the child's parents of a 46850
school district's proposal or refusal to initiate or change the 46851

identification, evaluation, or educational placement of the 46852
child or the provision of a free appropriate education for the 46853
child. The procedures established under this division shall: 46854

(1) Be designed to ensure that the written prior notice is 46855
in the native language of the parents, unless it clearly is not 46856
feasible to do so. 46857

(2) Specify that the prior written notice shall include: 46858

(a) A description of the action proposed or refused by the 46859
district; 46860

(b) An explanation of why the district proposes or refuses 46861
to take the action and a description of each evaluation 46862
procedure, assessment, record, or report the district used as a 46863
basis for the proposed or refused action; 46864

(c) A statement that the parents of a child with a 46865
disability have protection under the procedural safeguards and, 46866
if the notice is not in regard to an initial referral for 46867
evaluation, the means by which a copy of a description of the 46868
procedural safeguards can be obtained; 46869

(d) Sources for parents to contact to obtain assistance in 46870
understanding the provisions of Part B of the "Individuals with 46871
Disabilities Education Improvement Act of 2004"; 46872

(e) A description of other options considered by the IEP 46873
team and the reason why those options were rejected; 46874

(f) A description of the factors that are relevant to the 46875
agency's proposal or refusal. 46876

(D) An opportunity for the child's parents to present 46877
complaints to the superintendent of the child's school district 46878
of residence with respect to any matter relating to the 46879

identification, evaluation, or educational placement of the 46880
child, or the provision of a free appropriate public education 46881
under this chapter. 46882

Within twenty school days after receipt of a complaint, 46883
the district superintendent or the superintendent's designee, 46884
without undue delay and at a time and place convenient to all 46885
parties, shall review the case, may conduct an administrative 46886
review, and shall notify all parties in writing of the 46887
superintendent's or designee's decision. Where the child is 46888
placed in a program operated by a county board of developmental 46889
disabilities or other educational agency, the superintendent 46890
shall consult with the administrator of that board or agency. 46891

Any party aggrieved by the decision of the district 46892
superintendent or the superintendent's designee may file a 46893
complaint with the ~~state board department~~ as provided under 46894
division (E) of this section, request mediation as provided 46895
under division (F) of this section, or present a due process 46896
complaint notice and request for a due process hearing in 46897
writing to the superintendent of the district, with a copy to 46898
the ~~state board department~~, as provided under division (G) of 46899
this section. 46900

(E) An opportunity for a party to file a complaint with 46901
the ~~state board of education department~~ with respect to the 46902
identification, evaluation, or educational placement of the 46903
child, or the provision of a free appropriate public education 46904
to such child. The department ~~of education~~ shall review and, 46905
where appropriate, investigate the complaint and issue findings. 46906

(F) An opportunity for parents and a school district to 46907
resolve through mediation disputes involving any matter. 46908

(1) The procedures established under this section shall 46909
ensure that the mediation process is voluntary on the part of 46910
the parties, is not used to deny or delay a parent's right to a 46911
due process hearing or to deny any other rights afforded under 46912
this chapter, and is conducted by a qualified and impartial 46913
mediator who is trained in effective mediation techniques. 46914

(2) A school district may establish procedures to offer to 46915
parents and schools that choose not to use the mediation 46916
process, an opportunity to meet, at a time and location 46917
convenient to the parents, with a disinterested party to 46918
encourage the use, and explain the benefits, of the mediation 46919
process to the parents. The disinterested party shall be an 46920
individual who is under contract with a parent training and 46921
information center or community parent resource center in the 46922
state or is under contract with an appropriate alternative 46923
dispute resolution entity. 46924

(3) The department shall maintain a list of individuals 46925
who are qualified mediators and knowledgeable in laws and 46926
regulations relating to the provision of special education and 46927
related services. 46928

(4) The department shall bear the cost of the mediation 46929
process, including the costs of meetings described in division 46930
(F) (2) of this section. 46931

(5) Each session in the mediation process shall be 46932
scheduled in a timely manner and shall be held in a location 46933
that is convenient to the parties to the dispute. 46934

(6) Discussions that occur during the mediation process 46935
shall be confidential and shall not be used as evidence in any 46936
subsequent due process hearing or civil proceeding. 46937

(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that:

(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding;

(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district;

(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States.

(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. The party presenting the due process complaint and request for a due process hearing shall provide due process complaint notice to the other party and forward a copy of the notice to the ~~state board~~ department. The due process complaint notice shall include:

(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; 46967

(c) A proposed resolution of the problem to the extent 46968
known and available to the party at the time. 46969

A party shall not have a due process hearing until the 46970
party, or the attorney representing the party, files a notice 46971
that meets the requirement for filing a due process complaint 46972
notice. 46973

A due process hearing shall be conducted by an impartial 46974
hearing officer in accordance with standards and procedures 46975
adopted by the ~~state board~~ department. A hearing officer shall 46976
not be an employee of the ~~state board~~ department or any agency 46977
involved in the education or care of the child or a person 46978
having a personal or professional interest that conflicts with 46979
the person's objectivity in the hearing. A hearing officer shall 46980
possess knowledge of, and the ability to understand, the 46981
provisions of the "Individuals with Disabilities Education 46982
Improvement Act of 2004," federal and state regulations 46983
pertaining to that act, and legal interpretations of that act by 46984
federal and state courts; possess the knowledge and ability to 46985
conduct hearings in accordance with appropriate standard legal 46986
practice; and possess the knowledge and ability to render and 46987
write decisions in accordance with appropriate standard legal 46988
practice. The due process requirements of section 615 of the 46989
"Individuals with Disabilities Education Improvement Act of 46990
2004," 20 U.S.C. 1415, apply to due process complaint notices 46991
and requests for due process hearings and to due process 46992
hearings held under division (G) of this section, including, but 46993
not limited to, timelines for requesting hearings, requirements 46994
for sufficient complaint notices, resolution sessions, and 46995
sufficiency and hearing decisions. 46996

(2) Discussions that occur during a resolution session 46997
shall be confidential and shall not be used as evidence in any 46998
subsequent due process hearing or civil proceeding. If a 46999
resolution to the dispute is reached at a resolution session, 47000
the parties must execute a legally binding written settlement 47001
agreement which shall state that all discussions that occurred 47002
during the resolution process shall be confidential and shall 47003
not be used as evidence in any subsequent due process hearing or 47004
civil proceeding. 47005

(3) A party to a hearing under division (G) of this 47006
section shall be accorded: 47007

(a) The right to be accompanied and advised by counsel and 47008
by individuals with special knowledge or training with respect 47009
to the problems of children with disabilities; 47010

(b) The right to present evidence and confront, cross- 47011
examine, and compel the attendance of witnesses; 47012

(c) The right to a written or electronic verbatim record 47013
of the hearing; 47014

(d) The right to written findings of fact and decisions, 47015
which findings of fact and decisions shall be made available to 47016
the public consistent with the requirements relating to the 47017
confidentiality of personally identifiable data, information, 47018
and records collected and maintained by state educational 47019
agencies and local educational agencies; and shall be 47020
transmitted to the advisory panel established and maintained by 47021
the department for the purpose of providing policy guidance with 47022
respect to special education and related services for children 47023
with disabilities in the state. 47024

(H) An opportunity for any party aggrieved by the findings 47025

and decision rendered in a hearing under division (G) of this 47026
section to appeal within forty-five days of notification of the 47027
decision to the ~~state board~~ department, which shall appoint a 47028
state level officer who shall review the case and issue a final 47029
order. The state level officer shall be appointed and shall 47030
review the case in accordance with standards and procedures 47031
adopted by the ~~state board~~ department. 47032

Any party aggrieved by the final order of the state level 47033
officer may appeal the final order, in accordance with Chapter 47034
119. of the Revised Code, within forty-five days after 47035
notification of the order to the court of common pleas of the 47036
county in which the child's school district of residence is 47037
located, or to a district court of the United States within 47038
ninety days after the date of the decision of the state level 47039
review officer, as provided in section 615(i) (2) of the 47040
"Individuals with Disabilities Education Improvement Act of 47041
2004," 20 U.S.C. 1415(i) (2). 47042

Sec. 3323.051. No individual shall be assigned to act as a 47043
surrogate for the parents of a child with a disability under 47044
division (B) of section 3323.05 of the Revised Code if the 47045
individual is an employee of the department of education and 47046
workforce or the school district or any other agency involved in 47047
the education or care of the child or if the individual has any 47048
interest that conflicts with the interests of the child. If a 47049
conflict of interest arises subsequent to the assignment of a 47050
surrogate, the authority that made the assignment shall 47051
terminate it and assign another surrogate. Neither the surrogate 47052
nor the authority that assigned the surrogate shall be liable in 47053
civil damages for acts of the surrogate unless such acts 47054
constitute willful or wanton misconduct. 47055

Sec. 3323.052. (A) The department of education and 47056
workforce shall develop a document that compares a parent's and 47057
child's rights under this chapter and 20 U.S.C. 1400 et seq. 47058
with the parent's and child's rights under the Jon Peterson 47059
special needs scholarship program, established in sections 47060
3310.51 to 3310.64 of the Revised Code, including the provisions 47061
of divisions (A) and (B) of section 3310.53 of the Revised Code. 47062
The department shall revise that document as necessary to 47063
reflect any pertinent changes in state or federal statutory law, 47064
rule, or regulation. 47065

(B) The department and each school district shall ensure 47066
that the document prescribed in division (A) of this section is 47067
included in, appended to, or otherwise distributed in 47068
conjunction with the notice required under 20 U.S.C. 1415(d), 47069
and any provision of the Code of Federal Regulations 47070
implementing that requirement, in the manner and at all the 47071
times specified for such notice in federal law or regulation. 47072

(C) In addition to the requirement prescribed by division 47073
(B) of this section, each time a child's school district 47074
completes an evaluation for a child with a disability or 47075
undertakes the development, review, or revision of the child's 47076
IEP, the district shall notify the child's parent, by letter or 47077
electronic means, about both the autism scholarship program, 47078
under section 3310.41 of the Revised Code, and the Jon Peterson 47079
special needs scholarship program, under sections 3310.51 to 47080
3310.64 of the Revised Code. The notice shall include the 47081
following statement: 47082

"Your child may be eligible for a scholarship under the 47083
Autism Scholarship Program or the Jon Peterson Special Needs 47084
Scholarship Program to attend a special education program that 47085

implements the child's individualized education program and that 47086
is operated by an alternative public provider or by a registered 47087
private provider." 47088

The notice shall include the telephone number of the 47089
office of the department responsible for administering the 47090
scholarship programs and the specific location of scholarship 47091
information on the department's web site. 47092

(D) As used in this section, a "child's school district" 47093
means the school district in which the child is entitled to 47094
attend school under section 3313.64 or 3313.65 of the Revised 47095
Code. 47096

Sec. 3323.06. (A) The ~~state board~~ department of education 47097
and workforce shall develop, implement, provide general 47098
supervision of, and assure compliance with a state plan for the 47099
following: 47100

(1) The identification, location, and evaluation of all 47101
children with disabilities in the state; 47102

(2) The provision of special education and related 47103
services to ensure a free appropriate public education for all 47104
children with disabilities at least three years of age and less 47105
than twenty-two years of age, including children with 47106
disabilities who have been suspended or expelled from school; 47107

(3) The availability of special education and related 47108
services for children with disabilities under three years of 47109
age, as authorized by division (C) of this section and as 47110
specified in rules of the ~~state board~~ department. 47111

The state plan shall provide assurances that the ~~state~~ 47112
~~board~~ department has in effect policies and procedures to ensure 47113
that the state meets the conditions specified in section 612 of 47114

the "Individuals with Disabilities Education Improvement Act of 47115
2004," 20 U.S.C. 1412. 47116

(B) The ~~state board~~ department shall establish and 47117
maintain an advisory panel for the purpose of providing policy 47118
guidance with respect to special education and related services 47119
for children with disabilities in the state. A majority of the 47120
members of the panel shall be individuals with disabilities or 47121
parents of children with disabilities representing all ages, 47122
birth through twenty-six years of age. The advisory panel shall 47123
meet the requirements of section 612(a) (21) of the "Individuals 47124
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 47125
1412(a) (21), and related provisions of the Code of Federal 47126
Regulations. The panel shall advise the Ohio department of 47127
education and workforce of unmet needs within the state in the 47128
education of children with disabilities; comment publicly on 47129
rules proposed by that department regarding the education of 47130
children with disabilities; advise that department in developing 47131
evaluations and reporting on data to the United States secretary 47132
of education under section 618 of the act, 20 U.S.C. 1418; 47133
advise the Ohio department in developing corrective action plans 47134
to address findings identified in federal monitoring reports 47135
under Part B of the act; and advise the Ohio department in 47136
developing and implementing policies relating to the 47137
coordination of services for children with disabilities. 47138

(C) In addition to the policies and procedures authorized 47139
under division (A) of this section, the ~~state board~~ department 47140
may authorize school districts to establish and maintain special 47141
education and related services for children less than three 47142
years of age as specified in rules of the ~~state board~~ 47143
department. 47144

(D) In the exercise of its general supervisory 47145
responsibility, the ~~state board department~~ shall monitor the 47146
implementation of Part B of the "Individuals with Disabilities 47147
Education Improvement Act of 2004" by school districts. 47148
Monitoring activities shall include, but are not limited to, 47149
focused monitoring, investigations of complaints, and technical 47150
assistance. The primary focus of the ~~state board's department's~~ 47151
monitoring activities shall be improving educational results and 47152
functional outcomes for all children with disabilities and 47153
ensuring that the ~~state board department~~ meets the program 47154
requirements under Part B, with a particular emphasis on those 47155
requirements that are most closely related to improving 47156
educational results for children with disabilities. 47157

Sec. 3323.07. The ~~state board department~~ of education and 47158
workforce shall authorize the establishment and maintenance of 47159
special education and related services for all children with 47160
disabilities who are at least three years of age and less than 47161
twenty-two years of age, including children with disabilities 47162
who have been suspended or expelled from school, and may 47163
authorize special education and related services for children 47164
with disabilities who are less than three years of age in 47165
accordance with rules adopted by the ~~state board department~~. The 47166
~~state board department of education and workforce~~ shall require 47167
the boards of education of school districts, shall authorize the 47168
department of mental health and addiction services and the 47169
department of developmental disabilities, and may authorize any 47170
other educational agency, to establish and maintain such special 47171
education and related services in accordance with standards 47172
adopted by the ~~state board department of education and~~ 47173
workforce. 47174

Sec. 3323.08. (A) Each school district shall submit a plan 47175

to the ~~superintendent of public instruction department of~~ 47176
~~education and workforce~~ that provides assurances that the school 47177
district will provide for the education of children with 47178
disabilities within its jurisdiction and has in effect policies, 47179
procedures, and programs that are consistent with the policies 47180
and procedures adopted by the ~~state board of education department~~ 47181
in accordance with section 612 of the "Individuals with 47182
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 47183
and that meet the conditions applicable to school districts 47184
under section 613 of that act, 20 U.S.C. 1413. 47185

Each district's plan shall do all of the following: 47186

(1) Provide, as specified in section 3323.11 of the 47187
Revised Code and in accordance with standards established by the 47188
~~state board department~~, for an organizational structure and 47189
necessary and qualified staffing and supervision for the 47190
identification of and provision of special education and related 47191
services for children with disabilities; 47192

(2) Provide, as specified by section 3323.03 of the 47193
Revised Code and in accordance with standards established by the 47194
~~state board department~~, for the identification, location, and 47195
evaluation of all children with disabilities residing in the 47196
district, including children with disabilities who are homeless 47197
children or are wards of the state and children with 47198
disabilities attending private schools and who are in need of 47199
special education and related services. A practical method shall 47200
be developed and implemented to determine which children with 47201
disabilities are currently receiving needed special education 47202
and related services. 47203

(3) Provide, as specified by section 3323.07 of the 47204
Revised Code and standards established by the ~~state board~~ 47205

department, for the establishment and maintenance of special 47206
education and related services for children with disabilities 47207
who are at least three years of age and less than twenty-two 47208
years of age, including children with disabilities who have been 47209
suspended or expelled from school. 47210

(4) Provide, as specified by section 3323.04 of the 47211
Revised Code and in accordance with standards adopted by the 47212
~~state board~~ department, for an individualized education program 47213
for each child with a disability who is at least three years of 47214
age and less than twenty-two years of age residing within the 47215
district; 47216

(5) Provide, as specified by section 3323.02 of the 47217
Revised Code and in accordance with standards established by the 47218
~~state board~~ department, for special education and related 47219
services and a free appropriate public education for every child 47220
with a disability who is at least three years of age and less 47221
than twenty-two years of age, including children with 47222
disabilities who have been suspended or expelled from school; 47223

(6) Provide procedural safeguards and prior written notice 47224
as required under section 3323.05 of the Revised Code and the 47225
standards established by the ~~state board~~ department; 47226

(7) Outline the steps that have been or are being taken to 47227
comply with standards established by ~~the state board~~ department. 47228

(B) (1) A school district may arrange, by a cooperative 47229
agreement or contract with one or more school districts or with 47230
a cooperative education or joint vocational school district or 47231
an educational service center, to provide for the 47232
identification, location, and evaluation of children with 47233
disabilities, and to provide special education and related 47234

services for such children that meet the standards established 47235
by the ~~state board~~ department. A school district may arrange, by 47236
a cooperative agreement or contract, for the provision of 47237
related services for children with disabilities that meet the 47238
standards established by the ~~state board~~ department. 47239

(2) A school district shall arrange by interagency 47240
agreement with one or more school districts or with a 47241
cooperative education or joint vocational school district or an 47242
educational service center or other providers of early learning 47243
services to provide for the identification, location, evaluation 47244
of children with disabilities of ages birth through five years 47245
of age and for the transition of children with disabilities at 47246
age three in accordance with the standards established by the 47247
~~state board~~ department. A school district may arrange by 47248
interagency agreement with providers of early learning services 47249
to provide special education and related services for such 47250
children that meet the standards established by the ~~state board~~ 47251
department. 47252

(3) If at the time an individualized education program is 47253
developed for a child a school district is not providing special 47254
education and related services required by that individualized 47255
education program, the school district may arrange by contract 47256
with a nonpublic entity for the provision of the special 47257
education and related services, provided the special education 47258
and related services meet the standards for special education 47259
and related services established by the ~~state board~~ department 47260
and is provided within the state. 47261

(4) Any cooperative agreement or contract under division 47262
(B) (1) or (2) of this section involving a local school district 47263
shall be approved by the governing board of the educational 47264

service center which serves that district. 47265

(C) No plan of a local school district shall be submitted 47266
to the ~~superintendent of public instruction department~~ until it 47267
has been approved by the superintendent of the educational 47268
service center which serves that district. 47269

(D) Upon approval of a school district's plan by the 47270
~~superintendent of public instruction department~~, the district 47271
shall immediately certify students for state funds under section 47272
3317.03 of the Revised Code to implement and maintain such plan. 47273
The district shall, in accordance with guidelines adopted by the 47274
~~state board department~~, identify problems relating to the 47275
provision of qualified personnel and adequate facilities, and 47276
indicate the extent to which the cost of programs required under 47277
the plan will exceed anticipated state reimbursement. Each 47278
school district shall immediately implement the identification, 47279
location, and evaluation of children with disabilities in 47280
accordance with this chapter, and shall implement those parts of 47281
the plan involving placement and provision of special education 47282
and related services. 47283

Sec. 3323.09. (A) As used in this section: 47284

(1) "Home" has the meaning given in section 3313.64 of the 47285
Revised Code. 47286

(2) "Preschool child" means a child who is at least age 47287
three but under age six on the thirtieth day of September of an 47288
academic year. 47289

(B) Each county board of developmental disabilities shall 47290
establish special education programs for all children with 47291
disabilities who in accordance with section 3323.04 of the 47292
Revised Code have been placed in special education programs 47293

operated by the county board and for preschool children who are 47294
developmentally delayed or at risk of being developmentally 47295
delayed. The board annually shall submit to the department of 47296
education and workforce a plan for the provision of these 47297
programs. The ~~superintendent of public instruction department~~ 47298
shall review the plan and approve or modify it in accordance 47299
with rules adopted ~~by the state board of education~~ under section 47300
3301.07 of the Revised Code. The ~~superintendent of public-~~ 47301
~~instruction department~~ shall compile the plans submitted by 47302
county boards and shall submit a comprehensive plan to the state 47303
board. 47304

A county board of developmental disabilities may combine 47305
transportation for children enrolled in classes funded under 47306
sections 3317.0213 or 3317.20 with transportation for children 47307
and adults enrolled in programs and services offered by the 47308
board under Chapter 5126. of the Revised Code. 47309

(C) A county board of developmental disabilities that 47310
during the school year provided special education pursuant to 47311
this section for any child with mental disabilities under 47312
twenty-two years of age shall prepare and submit the following 47313
reports and statements: 47314

(1) The board shall prepare a statement for each child who 47315
at the time of receiving such special education was a resident 47316
of a home and was not in the legal or permanent custody of an 47317
Ohio resident or a government agency in this state, and whose 47318
natural or adoptive parents are not known to have been residents 47319
of this state subsequent to the child's birth. The statement 47320
shall contain the child's name, the name of the child's school 47321
district of residence, the name of the county board providing 47322
the special education, and the number of months, including any 47323

fraction of a month, it was provided. Not later than the 47324
thirtieth day of June, the board shall forward a certified copy 47325
of such statement to both the director of developmental 47326
disabilities and to the home. 47327

Within thirty days after its receipt of a statement, the 47328
home shall pay tuition to the county board computed in the 47329
manner prescribed by section 3323.141 of the Revised Code. 47330

(2) The board shall prepare a report for each school 47331
district that is the school district of residence of one or more 47332
of such children for whom statements are not required by 47333
division (C)(1) of this section. The report shall contain the 47334
name of the county board providing special education, the name 47335
of each child receiving special education, the number of months, 47336
including fractions of a month, that the child received it, and 47337
the name of the child's school district of residence. Not later 47338
than the thirtieth day of June, the board shall forward 47339
certified copies of each report to the school district named in 47340
the report, the ~~superintendent of public instruction~~department, 47341
and the director of developmental disabilities. 47342

Sec. 3323.091. (A) The department of mental health and 47343
addiction services, the department of developmental 47344
disabilities, the department of youth services, and the 47345
department of rehabilitation and correction shall establish and 47346
maintain special education programs for children with 47347
disabilities in institutions under their jurisdiction according 47348
to standards adopted by the ~~state board~~department of education 47349
and workforce. 47350

(B) The superintendent of each state institution required 47351
to provide services under division (A) of this section may apply 47352
to the department of education and workforce for special 47353

education and related services funding for children with 47354
disabilities other than preschool children with disabilities, 47355
calculated in accordance with section 3317.201 of the Revised 47356
Code. 47357

Each county board of developmental disabilities providing 47358
special education for children with disabilities other than 47359
preschool children with disabilities may apply to the department 47360
of education and workforce for opportunity funds and special 47361
education and related services funding calculated in accordance 47362
with section 3317.20 of the Revised Code. 47363

(C) In addition to the authorization to apply for state 47364
funding described in division (B) of this section, each state 47365
institution required to provide services under division (A) of 47366
this section is entitled to tuition payments calculated in the 47367
manner described in division (C) of this section. 47368

On or before the thirtieth day of June of each year, the 47369
superintendent of each institution that during the school year 47370
provided special education pursuant to this section shall 47371
prepare a statement for each child with a disability under 47372
twenty-two years of age who has received special education. The 47373
statement shall contain the child's data verification code 47374
assigned pursuant to division (D) (2) of section 3301.0714 of the 47375
Revised Code and the name of the child's school district of 47376
residence. Within sixty days after receipt of such statement, 47377
the department of education and workforce shall perform one of 47378
the following: 47379

(1) For any child except a preschool child with a 47380
disability described in division (C) (2) of this section, pay to 47381
the institution submitting the statement an amount equal to the 47382
tuition calculated under division (A) of section 3317.08 of the 47383

Revised Code for the period covered by the statement, and deduct 47384
the same from the amount of state funds, if any, payable under 47385
Chapter 3317. of the Revised Code, to the child's school 47386
district of residence or, if the amount of such state funds is 47387
insufficient, require the child's school district of residence 47388
to pay the institution submitting the statement an amount equal 47389
to the amount determined under this division. 47390

(2) For any preschool child with a disability, perform the 47391
following: 47392

(a) Pay to the institution submitting the statement an 47393
amount equal to the tuition calculated under division (B) of 47394
section 3317.08 of the Revised Code for the period covered by 47395
the statement, except that in calculating the tuition under that 47396
section the operating expenses of the institution submitting the 47397
statement under this section shall be used instead of the 47398
operating expenses of the school district of residence; 47399

(b) Deduct from the amount of state funds, if any, payable 47400
under Chapter 3317. of the Revised Code to the child's school 47401
district of residence an amount equal to the amount paid under 47402
division (C) (2) (a) of this section. 47403

Sec. 3323.13. (A) If a child who is a school resident of 47404
one school district receives special education from another 47405
district, the board of education of the district providing the 47406
education, subject to division (C) of this section, may require 47407
the payment by the board of education of the district of 47408
residence of a sum not to exceed one of the following, as 47409
applicable: 47410

(1) For any child except a preschool child with a 47411
disability described in division (A) (2) of this section, the 47412

tuition of the district providing the education for a child of 47413
normal needs of the same school grade. The determination of the 47414
amount of such tuition shall be in the manner provided for by 47415
division (A) of section 3317.08 of the Revised Code. 47416

(2) For any preschool child with a disability, the tuition 47417
of the district providing the education for the child as 47418
calculated under division (B) of section 3317.08 of the Revised 47419
Code. 47420

(B) The board of the district of residence may contract 47421
with the board of another district for the transportation of 47422
such child into any school in such other district, on terms 47423
agreed upon by such boards. Upon direction of the ~~state board~~ 47424
department of education and workforce, the board of the district 47425
of residence shall pay for the child's transportation and the 47426
tuition. 47427

(C) The board of education of a district providing the 47428
education for a child shall be entitled to require payment from 47429
the district of residence under this section or section 3323.14 47430
of the Revised Code only if the district providing the education 47431
has done at least one of the following: 47432

(1) Invited the district of residence to send 47433
representatives to attend the meetings of the team developing 47434
the child's individualized education program; 47435

(2) Received from the district of residence a copy of the 47436
individualized education program or a multifactored evaluation 47437
developed for the child by the district of residence; 47438

(3) Informed the district of residence in writing that the 47439
district is providing the education for the child. 47440

As used in division (C) (2) of this section, "multifactored 47441

evaluation" means an evaluation, conducted by a 47442
multidisciplinary team, of more than one area of the child's 47443
functioning so that no single procedure shall be the sole 47444
criterion for determining an appropriate educational program 47445
placement for the child. 47446

Sec. 3323.14. (A) Where a child who is a school resident 47447
of one school district receives special education from another 47448
district and the per capita cost to the educating district for 47449
that child exceeds the sum of the amount received by the 47450
educating district for that child under division (A) of section 47451
3317.08 of the Revised Code and the amount received by the 47452
district from the ~~state board~~ department of education and 47453
workforce for that child, then the board of education of the 47454
district of residence shall pay to the board of the school 47455
district that is providing the special education such excess 47456
cost as is determined by using a formula approved by the 47457
~~department of education~~ and agreed upon in contracts entered 47458
into by the boards of the districts concerned at the time the 47459
district providing such special education accepts the child for 47460
enrollment. The department shall certify the amount of the 47461
payments under Chapter 3317. of the Revised Code for such pupils 47462
with disabilities for each school year ending on the thirtieth 47463
day of July. 47464

(B) In the case of a child described in division (A) of 47465
this section who has been placed in a home, as defined in 47466
section 3313.64 of the Revised Code, pursuant to the order of a 47467
court and who is not subject to section 3323.141 of the Revised 47468
Code, the district providing the child with special education 47469
and related services may charge to the child's district of 47470
residence the excess cost determined by formula approved by the 47471
department, regardless of whether the district of residence has 47472

entered into a contract with the district providing the 47473
services. If the district providing the services chooses to 47474
charge excess costs, the district may report the amount 47475
calculated under this division to the department. 47476

(C) If a district providing special education for a child 47477
reports an amount for the excess cost of those services, as 47478
authorized and calculated under division (A) or (B) of this 47479
section, the department shall pay that amount of excess cost to 47480
the district providing the services and shall deduct that amount 47481
from the child's district of residence in accordance with 47482
division (K) of section 3317.023 of the Revised Code. 47483

(D) If a district providing special education to a child 47484
to whom division (C) (4) of section 3313.64 of the Revised Code 47485
applies chooses to receive a tuition payment for that child 47486
under that division, that district shall not receive any 47487
payments under this section. 47488

Sec. 3323.141. (A) When a child who is not in the legal or 47489
permanent custody of an Ohio resident or a government agency in 47490
this state and whose natural or adoptive parents are not known 47491
to have been residents of this state subsequent to the child's 47492
birth is a resident of a home as defined in section 3313.64 of 47493
the Revised Code and receives special education and related 47494
services from a school district or county board of developmental 47495
disabilities, the home shall pay tuition to the board providing 47496
the special education. 47497

(B) In the case of a child described in division (A) of 47498
this section who receives special education and related services 47499
from a school district, tuition shall be the amount determined 47500
under division (B) (1) or (2) of this section. 47501

(1) For a child other than a child described in division 47502
(B) (2) of this section the tuition shall be an amount equal to 47503
the sum of the following: 47504

(a) Tuition as determined in the manner provided for by 47505
division (B) of section 3317.081 of the Revised Code for the 47506
district that provides the special education; 47507

(b) Such excess cost as is determined by using a formula 47508
established by rule of the department of education and 47509
workforce. The excess cost computed in this section shall not be 47510
used as excess cost computed under section 3323.14 of the 47511
Revised Code. 47512

(2) For a child who is a preschool child with a 47513
disability, the tuition shall be computed as follows: 47514

(a) Determine the amount of the tuition of the district 47515
providing the education for the child as calculated under 47516
division (B) of section 3317.08 of the Revised Code; 47517

(b) For each type of special education service included in 47518
the computation of the amount of tuition under division (B) (2) 47519
(a) of this section, divide the amount determined for that 47520
computation under division (B) (2) of section 3317.08 of the 47521
Revised Code by the total number of preschool children with 47522
disabilities used for that computation under division (B) (3) of 47523
section 3317.08 of the Revised Code; 47524

(c) Determine the sum of the quotients obtained under 47525
division (B) (2) (b) of this section; 47526

(d) Determine the sum of the amounts determined under 47527
divisions (B) (2) (a) and (c) of this section. 47528

(C) In the case of a child described in division (A) of 47529

this section who receives special education and related services 47530
from a county board of developmental disabilities, tuition shall 47531
be the amount determined under division (C) (1) or (2) of this 47532
section. 47533

(1) For a child other than a child described in division 47534
(C) (2) of this section, the tuition shall be an amount equal to 47535
such board's per capita cost of providing special education and 47536
related services for children at least three but less than 47537
twenty-two years of age as determined by using a formula 47538
established by rule of the department of developmental 47539
disabilities. 47540

(2) For a child who is a preschool child with a 47541
disability, the tuition shall equal the sum of the amounts of 47542
each such board's per capita cost of providing each of the 47543
special education or related service that the child receives. 47544
The calculation of tuition shall be made by using a formula 47545
established by rule of the department of developmental 47546
disabilities. The formula for the calculation of per capita 47547
costs under division (C) (2) of this section shall be based only 47548
on each such county board's cost of providing each type of 47549
special education or related service to preschool children with 47550
disabilities. 47551

(D) If a home fails to pay the tuition required under this 47552
section, the board of education or county board of developmental 47553
disabilities providing the education may recover in a civil 47554
action the tuition and the expenses incurred in prosecuting the 47555
action, including court costs and reasonable attorney's fees. If 47556
the prosecuting attorney or city director of law represents the 47557
board in such action, costs and reasonable attorney's fees 47558
awarded by the court, based upon the time spent preparing and 47559

presenting the case by the prosecuting attorney, director, or a 47560
designee of either, shall be deposited in the county or city 47561
general fund. 47562

Sec. 3323.142. As used in this section, "per pupil amount" 47563
for a preschool child with a disability included in such an 47564
approved unit means the amount determined by dividing the amount 47565
received for the classroom unit in which the child has been 47566
placed by the number of children in the unit. For any other 47567
child, "per pupil amount" means the amount paid for the child 47568
under section 3317.20 of the Revised Code. 47569

When a school district places or has placed a child with a 47570
county board of developmental disabilities for special 47571
education, but another district is responsible for tuition under 47572
section 3313.64 or 3313.65 of the Revised Code and the child is 47573
not a resident of the territory served by the county board of 47574
developmental disabilities, the board may charge the district 47575
responsible for tuition with the educational costs in excess of 47576
the per pupil amount received by the board under Chapter 3317. 47577
of the Revised Code. The amount of the excess cost shall be 47578
determined by the formula established by rule of the department 47579
of education and workforce under section 3323.14 of the Revised 47580
Code, and the payment for such excess cost shall be made by the 47581
school district directly to the county board of developmental 47582
disabilities. 47583

A school district board of education and the county board 47584
of developmental disabilities that serves the school district 47585
may negotiate and contract, at or after the time of placement, 47586
for payments by the board of education to the county board for 47587
additional services provided to a child placed with the county 47588
board and whose individualized education program established 47589

pursuant to section 3323.08 of the Revised Code requires 47590
additional services that are not routinely provided children in 47591
the county board's program but are necessary to maintain the 47592
child's enrollment and participation in the program. Additional 47593
services may include, but are not limited to, specialized 47594
supplies and equipment for the benefit of the child and 47595
instruction, training, or assistance provided by staff members 47596
other than staff members for which funding is received under 47597
Chapter 3317. of the Revised Code. 47598

Sec. 3323.15. The ~~state board~~ department of education and 47599
workforce may arrange to pay to any board of education, the 47600
board for any children with disabilities who are not residents 47601
of the district but for whom the district is providing special 47602
education. Payments shall be made in accordance with rules and 47603
standards of the state board of education. 47604

Sec. 3323.17. The department of education and workforce 47605
shall: 47606

(A) Provide supervision and technical assistance to school 47607
districts in all accepted methods of educating children with 47608
disabilities who have hearing impairments, including the oral, 47609
manual, and total communication methods, with no demonstrable 47610
bias toward any one method over another; 47611

(B) Consult with employees of school districts and 47612
chartered nonpublic schools who confer with the parents of 47613
hearing impaired children about their children's education; 47614

(C) Consult with chartered nonpublic schools and consult 47615
with and provide technical assistance to school districts that 47616
are or may be interested in integrating sign language into their 47617
curricula and that offer or may be interested in offering 47618

American sign language as a foreign language; 47619

(D) Consult with school districts and chartered nonpublic 47620
schools that use interpreters in classrooms and with any other 47621
interested school districts or chartered nonpublic schools about 47622
how to obtain the best interpreters and how interpreters can 47623
improve their skills. 47624

Sec. 3323.19. (A) Within three months after a student 47625
identified with disabilities begins receiving services for the 47626
first time under an individualized education program, the school 47627
district in which that student is enrolled shall require the 47628
student to undergo a comprehensive eye examination performed 47629
either by an optometrist licensed under Chapter 4725. of the 47630
Revised Code or by a physician authorized under Chapter 4731. of 47631
the Revised Code to practice medicine and surgery or osteopathic 47632
medicine and surgery who is comprehensively trained and educated 47633
in the treatment of the human eye, eye disease, or comprehensive 47634
vision services, unless the student underwent such an 47635
examination within the nine-month period immediately prior to 47636
being identified with disabilities. 47637

However, no student who has not undergone the eye 47638
examination required under this section shall be prohibited from 47639
initiating, receiving, or continuing to receive services 47640
prescribed in the student's individualized education program. 47641

(B) The superintendent of each school district or the 47642
superintendent's designee may determine fulfillment of the 47643
requirement prescribed in division (A) of this section based on 47644
any special circumstances of the student, the student's parent, 47645
guardian, or family that may prevent the student from undergoing 47646
the eye examination prior to beginning special education 47647
services. 47648

(C) Except for a student who may be entitled to a 47649
comprehensive eye examination in the identification of the 47650
student's disabilities, in the development of the student's 47651
individualized education program, or as a related service under 47652
the student's individualized education program, neither the 47653
state nor any school district shall be responsible for paying 47654
for the eye examination required by this section. 47655

(D) The department of education and workforce annually 47656
shall do both of the following: 47657

(1) Notify each school district and community school of 47658
the requirements of this section; 47659

(2) Collect from each school district and community school 47660
the total number of students enrolled in the district who were 47661
subject to the requirements of this section and the total number 47662
of students who received the examination, as verified by 47663
documentation received from the district. 47664

Sec. 3323.20. On July 1, 2006, and on each first day of 47665
July thereafter, the department of education and workforce shall 47666
electronically report to the general assembly the number of 47667
preschool children with disabilities who received services for 47668
which the department made a payment to any provider during the 47669
previous fiscal year, disaggregated according to each area of 47670
developmental deficiency identified by the department for the 47671
evaluation of such children. 47672

Sec. 3323.25. (A) As used in this section and section 47673
3323.251 of the Revised Code: 47674

(1) "Dyslexia" means a specific learning disorder that is 47675
neurological in origin and that is characterized by unexpected 47676
difficulties with accurate or fluent word recognition and by 47677

poor spelling and decoding abilities not consistent with the 47678
person's intelligence, motivation, and sensory capabilities, 47679
which difficulties typically result from a deficit in the 47680
phonological component of language. 47681

(2) "Appropriate certification" means either of the 47682
following: 47683

(a) Certification at a certified level, or higher, from a 47684
research-based, structured literacy program; 47685

(b) Any other certification as recognized by a majority 47686
vote of the Ohio dyslexia committee. 47687

(B) (1) The department of education and workforce shall 47688
establish the Ohio dyslexia committee which shall consist of the 47689
following members: 47690

(a) A school district superintendent appointed by the 47691
~~superintendent of public instruction~~ director of education and
workforce; 47692
47693

(b) An elementary school principal appointed by the ~~state~~
~~superintendent~~ director; 47694
47695

(c) A classroom teacher appointed by the ~~state~~
~~superintendent~~ director. The teacher shall have an appropriate 47696
certification and at least two years of experience teaching in a 47697
structured literacy program. 47698
47699

(d) An educational service center employee appointed by 47700
the ~~state superintendent~~ director. The employee shall have an 47701
appropriate certification. 47702

(e) An employee of the department ~~of education~~ appointed 47703
by the ~~state superintendent~~ director; 47704

(f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio; 47705
47706
47707

(g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification. 47708
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(h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in Ohio. The board member shall have an appropriate certification. 47712
47713
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(i) A school psychologist appointed by the ~~state~~ superintendent director; 47716
47717

(j) A reading intervention specialist appointed by the ~~state superintendent director~~. The reading intervention specialist shall have an appropriate certification. 47718
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47720

(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification. 47721
47722
47723

(2) Each appointing authority shall determine a selection 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. 47724
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(3) An individual may be appointed to the committee 47733

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.

(4) The guidebook shall be developed and issued to districts and schools in an electronic format. After the initial development of the guidebook, the Ohio dyslexia committee shall update the guidebook as necessary.

(D) ~~Not later than December 31, 2021, the~~ The department, in collaboration with the Ohio dyslexia committee, shall do all of the following:

(1) Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices for the purposes of section 3319.077 of the Revised Code. 47763
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(2) Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia; 47767
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(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section; 47770
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47772

(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program; 47773
47774

(5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost. 47775
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(E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program. 47778
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(F) The Ohio dyslexia committee may do any of the following: 47783
47784

(1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia; 47785
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(2) Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia; 47788
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(3) Consider and make recommendations regarding whether professional development required under section 3319.077 of the Revised Code should require the completion of a practicum.

Sec. 3323.251. (A) Each school district and other public school shall do all of the following:

(1) For the 2023-2024 school year, administer a tier one dyslexia screening measure to a student to whom either of the following applies:

(a) The student is enrolled in any of grades kindergarten through three. A screening measure shall be administered to a student enrolled in kindergarten after January 1, 2024, but prior to January 1, 2025.

(b) The student is enrolled in any of grades four through six and either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A school district may implement the screening under division (A)(1) of this section prior to the 2023-2024 school year.

(2) For the 2024-2025 school year and each school year thereafter, administer a tier one dyslexia screening measure to a student to whom either of the following applies:

(a) A student enrolled in kindergarten. A screening measure shall be administered to a student after the first day

of January of the school year in which the student is enrolled 47819
in kindergarten and prior to the first day of January of the 47820
following school year. 47821

(b) A student enrolled in any of grades one through six if 47822
either of the following applies: 47823

(i) The student's parent, guardian, or custodian requests 47824
that the screening measure be administered to the student. 47825

(ii) A classroom teacher requests that the screening 47826
measure be administered to the student and the student's parent, 47827
guardian, or custodian grants permission for the screening 47828
measure to be administered. 47829

A district or school may administer a tier two dyslexia 47830
screening measure to a student to whom the district or school 47831
administers a tier one screening measure under division (A) (1) 47832
or (2) of this section. In that case, a district or school shall 47833
not be required to complete division (A) (4) of this section. 47834

(3) Identify each student that is at risk of dyslexia 47835
based on the student's results on the tier one screening measure 47836
and notify the student's parent, guardian, or custodian that the 47837
student has been identified as being at risk. 47838

(4) Monitor the progress of each at-risk student toward 47839
attaining grade-level reading and writing skills for up to six 47840
weeks. The district or school shall check each at-risk student's 47841
progress on at least the second week, fourth week, and sixth 47842
week after the student is identified as being at risk. If no 47843
progress is observed during the monitoring period, the district 47844
or school shall notify the parent, guardian, or custodian of the 47845
student and administer a tier two dyslexia screening measure to 47846
the student. 47847

(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.

(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.

(B) (1) Beginning in the 2023-2024 school year, each district or school shall:

(a) Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school midyear during the school's regularly scheduled screening of the kindergarten class or within thirty days after the student's enrollment if the screening already has been completed;

(b) Administer a tier one dyslexia screening measure to each student in grades one through six that transfers into the district or school midyear within thirty days after the student's enrollment.

(2) If a student is identified as being at risk of dyslexia under division (B) (1) of this section, the district or school shall administer a tier two screening measure in a timely manner.

(C) Each district or school shall do all of the following:

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code;

(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code;

(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia.

(4) Report to the department of education and workforce the results of screening measures administered under this section.

In addition, districts and schools may utilize any best practices and recommendations contained in the guidebook developed under division (C) of section 3323.25 of the Revised Code.

Sec. 3323.32. (A) The department of education and workforce shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the ~~superintendent of public instruction~~ director of education and workforce in consultation with the advisory board established under section 3323.33 of the Revised Code.

The contract with the entity selected shall include, but not be limited to, the following provisions:

(1) A description of the programs to be administered and

services to be provided or coordinated by the entity, which 47906
shall include at least the duties prescribed by sections 3323.34 47907
and 3323.35 of the Revised Code; 47908

(2) A description of the expected outcomes from the 47909
programs administered and services provided or coordinated by 47910
the entity; 47911

(3) A stipulation that the entity's performance is subject 47912
to evaluation by the department and renewal of the entity's 47913
contract is subject to the department's satisfaction with the 47914
entity's performance; 47915

(4) A description of the measures and milestones the 47916
department will use to determine whether the performance of the 47917
entity is satisfactory; 47918

(5) Any other provision the department determines is 47919
necessary to ensure the quality of services to individuals with 47920
autism and low incidence disabilities. 47921

(B) In selecting the entity under division (A) of this 47922
section, the ~~superintendent~~ director of education and workforce 47923
and the advisory board shall give primary consideration to the 47924
Ohio Center for Autism and Low Incidence, established under 47925
section 3323.31 of the Revised Code, as long as the principal 47926
goals and mission of the Center, as determined by the 47927
~~superintendent~~ director and the advisory board, are consistent 47928
with the requirements of divisions (A) (1) to (5) of this 47929
section. 47930

Sec. 3323.33. The ~~superintendent of public instruction~~ 47931
director of education and workforce shall establish an advisory 47932
board to assist and advise the Franklin county educational 47933
service center in the operation of the Ohio Center for Autism 47934

and Low Incidence and the ~~superintendent of public instruction-~~ 47935
director in selecting an entity to administer programs and 47936
coordinate services for individuals with autism and low 47937
incidence disabilities as required by section 3323.32 of the 47938
Revised Code and to provide technical assistance in the 47939
provision of such services. As determined by the 47940
~~superintendent~~director, the advisory board shall consist of 47941
individuals who are stakeholders in the service to persons with 47942
autism and low incidence disabilities, including, but not 47943
limited to, the following: 47944

- (A) Persons with autism and low incidence disabilities; 47945
- (B) Parents and family members; 47946
- (C) Educators and other professionals; 47947
- (D) Higher education instructors; 47948
- (E) Representatives of state agencies. 47949

The advisory board shall be organized as determined by the 47950
~~superintendent~~director. 47951

Members of the advisory board shall receive no 47952
compensation for their services. 47953

Sec. 3324.01. As used in this section and sections 3324.02 47954
through 3324.06 of the Revised Code: 47955

(A) "Approved" means approved by the department of 47956
education and workforce and included on the list compiled by the 47957
department under section 3324.02 of the Revised Code. 47958

(B) "Gifted" means students who perform or show potential 47959
for performing at remarkably high levels of accomplishment when 47960
compared to others of their age, experience, or environment and 47961

who are identified under division (A), (B), (C), or (D) of 47962
section 3324.03 of the Revised Code. 47963

(C) "School district" does not include a joint vocational 47964
school district. 47965

(D) "Specific academic ability field" means one or more of 47966
the following areas of instruction: 47967

(1) Mathematics; 47968

(2) Science; 47969

(3) Reading, writing, or a combination of these skills; 47970

(4) Social studies. 47971

Sec. 3324.02. (A) The department of education and 47972
workforce shall construct lists of existing assessment 47973
instruments it approves for use by school districts, and may 47974
include on the lists and make available to school districts 47975
additional assessment instruments developed by the department. 47976
Wherever possible, the department shall approve assessment 47977
instruments that utilize nationally recognized standards for 47978
scoring or are nationally normed. The lists of instruments shall 47979
include: 47980

(1) Initial screening instruments for use in selecting 47981
potentially gifted students for further assessment; 47982

(2) Instruments for identifying gifted students under 47983
section 3324.03 of the Revised Code. 47984

(B) The department, under Chapter 119. of the Revised 47985
Code, shall also adopt rules for the administration of any tests 47986
or assessment instruments it approves on the list required by 47987
division (A) of this section and for establishing the scores or 47988

performance levels required under section 3324.03 of the Revised Code. 47989
47990

(C) The department shall ensure that the approved list of 47991
assessment instruments under this section includes instruments 47992
that allow for appropriate screening and identification of 47993
gifted minority and disadvantaged students, children with 47994
disabilities, and students for whom English is a second 47995
language. 47996

(D) Districts shall select screening and identification 47997
instruments from the approved lists for inclusion in their 47998
district policies. 47999

(E) The department shall make initial lists of approved 48000
assessment instruments and the rules for the administration of 48001
the instruments available by September 1, 1999. 48002

Sec. 3324.03. The board of education of each school 48003
district shall identify gifted students in grades kindergarten 48004
through twelve as follows: 48005

(A) A student shall be identified as exhibiting "superior 48006
cognitive ability" if the student did either of the following 48007
within the preceding twenty-four months: 48008

(1) Scored two standard deviations above the mean, minus 48009
the standard error of measurement, on an approved individual 48010
standardized intelligence test administered by a licensed school 48011
psychologist or licensed psychologist; 48012

(2) Accomplished any one of the following: 48013

(a) Scored at least two standard deviations above the 48014
mean, minus the standard error of measurement, on an approved 48015
standardized group intelligence test; 48016

(b) Performed at or above the ninety-fifth percentile on 48017
an approved individual or group standardized basic or composite 48018
battery of a nationally normed achievement test; 48019

(c) Attained an approved score on one or more above-grade 48020
level standardized, nationally normed approved tests. 48021

(B) A student shall be identified as exhibiting "specific 48022
academic ability" superior to that of children of similar age in 48023
a specific academic ability field if within the preceding 48024
twenty-four months the student performs at or above the ninety- 48025
fifth percentile at the national level on an approved individual 48026
or group standardized achievement test of specific academic 48027
ability in that field. A student may be identified as gifted in 48028
more than one specific academic ability field. 48029

(C) A student shall be identified as exhibiting "creative 48030
thinking ability" superior to children of a similar age, if 48031
within the previous twenty-four months, the student scored one 48032
standard deviation above the mean, minus the standard error of 48033
measurement, on an approved individual or group intelligence 48034
test and also did either of the following: 48035

(1) Attained a sufficient score, as established by the 48036
department of education and workforce, on an approved individual 48037
or group test of creative ability; 48038

(2) Exhibited sufficient performance, as established by 48039
the department ~~of education~~, on an approved checklist of 48040
creative behaviors. 48041

(D) A student shall be identified as exhibiting "visual or 48042
performing arts ability" superior to that of children of similar 48043
age if the student has done both of the following: 48044

(1) Demonstrated through a display of work, an audition, 48045

or other performance or exhibition, superior ability in a visual 48046
or performing arts area; 48047

(2) Exhibited sufficient performance, as established by 48048
the department ~~of education~~, on an approved checklist of 48049
behaviors related to a specific arts area. 48050

Sec. 3324.04. The board of education of each school 48051
district shall adopt a plan by January 1, 2000, for identifying 48052
gifted students. The plan shall be submitted to the department 48053
of education and workforce for approval. The department shall 48054
approve the plan within sixty days if it contains all of the 48055
following: 48056

(A) A description of the assessment instruments from the 48057
list adopted by the department that the district will use to 48058
screen and identify gifted students; 48059

(B) Acceptable scheduling procedures for screening and for 48060
administering assessment instruments for identifying gifted 48061
students. These procedures shall provide: 48062

(1) At least two opportunities a year for assessment in 48063
the case of students requesting assessment or recommended for 48064
assessment by teachers, parents, or other students; 48065

(2) Assurance of inclusion in screening and assessment 48066
procedures for minority and disadvantaged students, children 48067
with disabilities, and students for whom English is a second 48068
language; 48069

(3) Assurance that any student transferring into the 48070
district will be assessed within ninety days of the transfer at 48071
the request of a parent. 48072

(C) Procedures for notification of parents within thirty 48073

days about the results of any screening procedure or assessment 48074
instrument and the provision of an opportunity for parents to 48075
appeal any decision about the results of any screening procedure 48076
or assessment, the scheduling of children for assessment, or the 48077
placement of a student in any program or for receipt of 48078
services; 48079

(D) A commitment that the district will accept scores on 48080
assessment instruments provided by other school districts or 48081
trained personnel outside the school district, provided the 48082
assessment instruments are on the list approved by the 48083
department of ~~education~~ under section 3324.02 of the Revised 48084
Code. 48085

The district's plan may provide for the district to 48086
contract with any qualified public or private service provider 48087
to provide screening or assessment services under the plan. 48088

The department shall assist any district whose plan it 48089
disapproves under this section to amend the plan so that it 48090
meets the requirements of this section. 48091

Sec. 3324.05. (A) Each school district shall submit an 48092
annual report to the department of education and workforce 48093
specifying the number of students in each of grades kindergarten 48094
through twelve screened, the number assessed, and the number 48095
identified as gifted in each category specified in section 48096
3324.03 of the Revised Code. For fiscal years 2022 and 2023, 48097
this report shall also specify the number of students served in 48098
each category specified in section 3324.03 of the Revised Code. 48099

(B) For fiscal years 2022 and 2023, not later than the 48100
thirty-first day of October, the department shall publish both 48101
of the following using data submitted by school districts under 48102

the education management information system established under 48103
section 3301.0714 of the Revised Code: 48104

(1) Services offered by each school district to students 48105
identified as gifted in each of the following grade bands: 48106

(a) Kindergarten through third grade; 48107

(b) Fourth through eighth grade; 48108

(c) Ninth through twelfth grade. 48109

(2) The number of licensed gifted intervention specialists 48110
and coordinators employed or contracted by each school district. 48111

(C) The department ~~of education~~ shall audit each school 48112
district's identification numbers at least once every three 48113
years and may select any district at random or upon complaint or 48114
suspicion of noncompliance for a further audit to determine 48115
compliance with sections 3324.03 to 3324.06 of the Revised Code. 48116
If a school district's audit under this division occurs during 48117
fiscal year 2022 or 2023, the department shall also audit the 48118
district's service numbers. 48119

(D) The department shall provide technical assistance to 48120
any district found in noncompliance under division (C) of this 48121
section. For fiscal years 2022 and 2023, the department shall 48122
reduce funds received by the district under Chapter 3317. of the 48123
Revised Code by any amount if the district continues to be 48124
noncompliant. For fiscal year 2024 and each fiscal year 48125
thereafter, the department may reduce funds received by the 48126
district under Chapter 3317. of the Revised Code by any amount 48127
if the district continues to be noncompliant. 48128

Sec. 3324.06. The board of education of each school 48129
district shall adopt a statement of its policy for the screening 48130

and identification of gifted students and shall distribute the 48131
policy statement to parents. The policy statement shall specify: 48132

(A) The criteria and methods the district uses to screen 48133
students and to select students for further assessment who 48134
perform or show potential for performing at remarkably high 48135
levels of accomplishment in one of the gifted areas specified in 48136
section 3324.03 of the Revised Code; 48137

(B) The sources of assessment data the district uses to 48138
select students for further testing and an explanation for 48139
parents of the multiple assessment instruments required to 48140
identify gifted students under section 3324.03 of the Revised 48141
Code; 48142

(C) An explanation for parents of the methods the district 48143
uses to ensure equal access to screening and further assessment 48144
by all district students, including minority or disadvantaged 48145
students, children with disabilities, and students for whom 48146
English is a second language; 48147

(D) Provisions to ensure equal opportunity for all 48148
district students identified as gifted to receive any services 48149
offered by the district; 48150

(E) Provisions for students to withdraw from gifted 48151
programs or services, for reassessment of students, and for 48152
assessment of students transferring into the district; 48153

(F) Methods for resolving disagreements between parents 48154
and the district concerning identification and placement 48155
decisions. 48156

A copy of the district's policy adopted under this section 48157
shall accompany the district's plan submitted to the department 48158
of education and workforce under section 3324.04 of the Revised 48159

Code.	48160
Sec. 3324.07. (A) The board of education of each school	48161
district shall develop a plan for the service of gifted students	48162
enrolled in the district that are identified under section	48163
3324.03 of the Revised Code. Services specified in the plan	48164
developed by each board may include such options as the	48165
following:	48166
(1) A differentiated curriculum;	48167
(2) Cluster grouping;	48168
(3) Mentorships;	48169
(4) Accelerated course work;	48170
(5) The college credit plus program under Chapter 3365. of	48171
the Revised Code;	48172
(6) Advanced placement;	48173
(7) Honors classes;	48174
(8) Magnet schools;	48175
(9) Self-contained classrooms;	48176
(10) Independent study;	48177
(11) International baccalaureate;	48178
(12) Other options identified in rules adopted by the	48179
department of education <u>and workforce.</u>	48180
(B) Each board shall file the plan developed under	48181
division (A) of this section with the department of education by	48182
December 15, 2000 <u>and workforce.</u> The department shall review and	48183
analyze each plan to determine if it is adequate and to make	48184
funding estimates.	48185

(C) Unless otherwise required by law, rule, or as a 48186
condition for receipt of funds, school boards may implement the 48187
plans developed under division (A) of this section, but shall 48188
not be required to do so until further action by the general 48189
assembly or the ~~state superintendent of public~~ 48190
~~instruction~~director of education and workforce. 48191

Sec. 3324.08. Any person employed by a school district and 48192
assigned to a school as a principal or any other position may 48193
also serve as the district's gifted education coordinator, if 48194
qualified to do so pursuant to the rules adopted by the ~~state~~ 48195
~~board~~department of education and workforce under this chapter. 48196

Sec. 3324.09. (A) For fiscal years 2022 and 2023, not 48197
later than the thirtieth day of October, the department of 48198
education and workforce shall publish on its web site the funds 48199
received for the previous fiscal year by each school district 48200
under division (A) (6) of section 3317.022 of the Revised Code 48201
for the identification of and services provided to the 48202
district's gifted students and each district's expenditures of 48203
those funds. 48204

(B) For fiscal year 2024 and each fiscal year thereafter, 48205
not later than the thirtieth day of October, the department 48206
shall publish on its web site each school district's 48207
expenditures for the previous fiscal year of funds received 48208
under division (A) (6) of section 3317.022 of the Revised Code 48209
for the identification of and services provided to the 48210
district's gifted students. 48211

Sec. 3324.10. (A) ~~Prior to June 30, 2006, the state board~~ 48212
The department of education and workforce shall adopt a model 48213
student acceleration policy addressing recommendations in the 48214
former department of education's 2005 study conducted under the 48215

gifted research and demonstration grant program. The policy 48216
shall address, but not be limited to, whole grade acceleration, 48217
subject area acceleration, and early high school graduation. 48218

(B) The board of education of each city, local, and 48219
exempted village school district shall implement a student 48220
acceleration policy to take effect beginning in the 2006-2007 48221
school year. The policy shall either be the model adopted by the 48222
~~state board department~~ under division (A) of this section or a 48223
policy covering similar issues that is adopted by the district 48224
board. If the district board does not adopt the ~~state board's~~ 48225
~~department's~~ model, it shall submit its policy to the department 48226
for review and approval. The department, upon request, shall 48227
provide technical assistance to the district board in developing 48228
the policy. 48229

Sec. 3324.11. No rule adopted by the ~~state board director~~ 48230
of education and workforce pursuant to this chapter, section 48231
3301.07 of the Revised Code, or any other provision of the 48232
Revised Code shall permit a school district to report that it 48233
has provided services to a student identified as gifted unless 48234
those services are paid for by the district. Nothing in this 48235
section shall prohibit a district from requiring a student to 48236
pay the costs of advanced placement or international 48237
baccalaureate examinations. 48238

Sec. 3325.01. The state school for the deaf and the state 48239
school for the blind shall be under the control and supervision 48240
of the ~~state board department~~ of education and workforce. ~~On the~~ 48241
~~recommendation of the superintendent of public instruction, the~~ 48242
~~state board of education~~ The department shall appoint a 48243
superintendent for the state school for the deaf and a 48244
superintendent for the state school for the blind, each of whom 48245

shall serve at the pleasure of the ~~state board~~ department. 48246

Sec. 3325.011. Subject to the regulations adopted by the 48247
~~state board~~ department of education and workforce, the state 48248
school for the deaf shall be open to receive persons who are 48249
deaf, partially deaf, and both blind and deaf residents of this 48250
state, who, in the judgment of the ~~superintendent of public~~ 48251
~~instruction~~ director of education and workforce and the 48252
superintendent of the school for the deaf, due to such 48253
disability, cannot be educated in the public school system and 48254
are suitable persons to receive instructions according to the 48255
methods employed in such school. The superintendent of the 48256
school for the deaf may pay the expenses necessary for the 48257
instruction of children who are both blind and deaf, who are 48258
resident of this state, in any suitable institution. 48259

Sec. 3325.02. (A) As used in this chapter, "visual 48260
impairment" means blindness, partial blindness, deaf-blindness, 48261
or multiple disabilities if one of the disabilities is vision 48262
related. 48263

(B) Subject to the regulations adopted by the ~~state board~~ 48264
~~department~~ of education and workforce, the state school for the 48265
blind shall be open to receive persons who are residents of this 48266
state, whose disabilities are visual impairments, and who, in 48267
the judgment of the ~~superintendent of public instruction~~ 48268
~~director~~ of education and workforce and the superintendent of 48269
the school for the blind, due to such disability, cannot be 48270
educated in the public school system and are suitable persons to 48271
receive instructions according to the methods employed in the 48272
school. 48273

Sec. 3325.03. The superintendent of the state school for 48274
the deaf or the superintendent of the state school for the blind 48275

may return to ~~its~~the pupil's parents, guardian, or proper agency 48276
any pupil under ~~his~~the superintendent's jurisdiction, who, in 48277
the opinion of such superintendent and the ~~superintendent of~~ 48278
~~public instruction~~director of education and workforce, is not 48279
making sufficient progress in ~~its~~the pupil's school or 48280
industrial work to justify ~~its~~ continuance as a pupil in such 48281
school. 48282

Sec. 3325.04. The superintendent of the state school for 48283
the deaf and the superintendent of the state school for the 48284
blind, with the approval of the ~~superintendent of public~~ 48285
~~instruction~~director of education and workforce, shall, for their 48286
respective schools and subject to the rules and regulations of 48287
the civil service, employ suitable teachers, nurses, and other 48288
help necessary to provide the proper instruction and care for 48289
the pupils under their jurisdiction. 48290

No individual hired on or after ~~the effective date of this~~ 48291
~~amendment~~ August 29, 1991, as a classroom teacher at the state 48292
school for the blind shall be permitted to retain employment as 48293
a teacher at the school unless prior to the date of such hiring, 48294
or within one year of that date, the individual completes at 48295
least two courses of instruction in braille at an institution of 48296
higher education or demonstrates equivalent competency in the 48297
use of braille to the satisfaction of the superintendent of the 48298
state school for the blind. 48299

Sec. 3325.05. The ~~state board~~department of education and 48300
workforce may provide for the further and higher education of 48301
any blind pupils, who in its judgment are capable of receiving 48302
sufficient benefit to render them more efficient as citizens, by 48303
appointing readers for such persons to read from textbooks and 48304
pamphlets used in their studies while in attendance as regularly 48305

matriculated students in any college, university, or technical 48306
or professional school located in this state and authorized to 48307
grant degrees. Any fund appropriated for such purpose shall be 48308
distributed under the direct supervision of the ~~state board of~~ 48309
~~education~~ department. No person shall receive the benefit 48310
conferred by this section who has not had an actual residence in 48311
this state for at least one year. 48312

Sec. 3325.06. (A) The ~~state board~~ department of education 48313
and workforce shall institute and establish a program of 48314
education ~~by the department of education~~ to train parents of 48315
deaf or hard of hearing children of preschool age. The object 48316
and purpose of the educational program shall be to aid and 48317
assist the parents of deaf or hard of hearing children of 48318
preschool age in affording to the children the means of optimum 48319
communicational facilities. 48320

(B) The ~~state board of education~~ department shall 48321
institute and establish a program of education to train and 48322
assist parents of children of preschool age whose disabilities 48323
are visual impairments. The object and purpose of the 48324
educational program shall be to enable the parents of children 48325
of preschool age whose disabilities are visual impairments to 48326
provide their children with learning experiences that develop 48327
early literacy, communication, mobility, and daily living skills 48328
so the children can function independently in their living 48329
environments. 48330

Sec. 3325.07. The ~~state board~~ department of education and 48331
workforce in carrying out this section and division (A) of 48332
section 3325.06 of the Revised Code shall, insofar as 48333
practicable, plan, present, and carry into effect an educational 48334
program by means of any of the following methods of instruction: 48335

- (A) Classes for parents of deaf or hard of hearing children of preschool age; 48336
48337
- (B) A nursery school where parent and child would enter the nursery school as a unit; 48338
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- (C) Correspondence course; 48340
- (D) Personal consultations and interviews; 48341
- (E) Day-care or child development courses; 48342
- (F) Summer enrichment courses; 48343
- (G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age. 48344
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- The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing. 48348
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- The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section. 48355
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Sec. 3325.071. The ~~state board~~ department of education and 48363

workforce in carrying out this section and division (B) of 48364
section 3325.06 of the Revised Code shall, insofar as 48365
practicable, plan, present, and carry into effect an educational 48366
program by means of any of the following methods of instruction: 48367

(A) Classes for parents of children of preschool age whose 48368
disabilities are visual impairments, independently or in 48369
cooperation with community agencies; 48370

(B) Periodic interactive parent-child classes for infants 48371
and toddlers whose disabilities are visual impairments; 48372

(C) Correspondence course; 48373

(D) Personal consultations and interviews; 48374

(E) Day-care or child development courses for children and 48375
parents; 48376

(F) Summer enrichment courses; 48377

(G) By such other means or methods as the superintendent 48378
of the state school for the blind deems advisable that would 48379
permit a child of preschool age whose disability is a visual 48380
impairment to construct a pattern of communication and develop 48381
literacy, mobility, and independence at an early age. 48382

The superintendent may allow children who do not have 48383
disabilities that are visual impairments to participate in the 48384
methods of instruction described in divisions (A) to (G) of this 48385
section so that children of preschool age whose disabilities are 48386
visual impairments are able to learn alongside their peers while 48387
receiving specialized instruction that is based on early 48388
learning and development strategies. The superintendent shall 48389
establish policies and procedures regarding the participation of 48390
children who do not have disabilities that are visual 48391

impairments. 48392

The superintendent may establish reasonable fees for 48393
participation in the methods of instruction described in 48394
divisions (A) to (G) of this section to defray the costs of 48395
carrying them out. The superintendent shall determine the manner 48396
by which any such fees shall be collected. All fees shall be 48397
deposited in the state school for the blind even start fees and 48398
gifts fund, which is hereby created in the state treasury. The 48399
money in the fund shall be used to implement this section. 48400

Sec. 3325.08. (A) A diploma shall be granted by the 48401
superintendent of the state school for the blind and the 48402
superintendent of the state school for the deaf to any student 48403
enrolled in one of these state schools to whom all of the 48404
following apply: 48405

(1) The student has successfully completed the 48406
individualized education program developed for the student for 48407
the student's high school education pursuant to section 3323.08 48408
of the Revised Code; 48409

(2) Subject to section 3313.614 of the Revised Code, the 48410
student has met the assessment requirements of division (A) (2) 48411
(a) or (b) of this section, as applicable. 48412

(a) If the student entered the ninth grade prior to July 48413
1, 2014, the student either: 48414

(i) Has attained at least the applicable scores designated 48415
under division (B) (1) of section 3301.0710 of the Revised Code 48416
on all the assessments prescribed by that division unless 48417
division (L) of section 3313.61 of the Revised Code applies to 48418
the student; 48419

(ii) Has satisfied the alternative conditions prescribed 48420

in section 3313.615 of the Revised Code. 48421

(b) If the student entered the ninth grade on or after 48422
July 1, 2014, the student has met the requirement prescribed by 48423
section 3313.618 of the Revised Code, except to the extent that 48424
division (L) of section 3313.61 of the Revised Code applies to 48425
the student. 48426

(3) The student is not eligible to receive an honors 48427
diploma granted pursuant to division (B) of this section. 48428

No diploma shall be granted under this division to anyone 48429
except as provided under this division. 48430

(B) In lieu of a diploma granted under division (A) of 48431
this section, the superintendent of the state school for the 48432
blind and the superintendent of the state school for the deaf 48433
shall grant an honors diploma, in the same manner that the 48434
boards of education of school districts grant such diplomas 48435
under division (B) of section 3313.61 of the Revised Code, to 48436
any student enrolled in one of these state schools who 48437
accomplishes all of the following: 48438

(1) Successfully completes the individualized education 48439
program developed for the student for the student's high school 48440
education pursuant to section 3323.08 of the Revised Code; 48441

(2) Subject to section 3313.614 of the Revised Code, has 48442
met the assessment requirements of division (B) (2) (a) or (b) of 48443
this section, as applicable. 48444

(a) If the student entered the ninth grade prior to July 48445
1, 2014, the student either: 48446

(i) Has attained at least the applicable scores designated 48447
under division (B) (1) of section 3301.0710 of the Revised Code 48448

on all the assessments prescribed under that division; 48449

(ii) Has satisfied the alternative conditions prescribed 48450
in section 3313.615 of the Revised Code. 48451

(b) If the student entered the ninth grade on or after 48452
July 1, 2014, the student has met the requirement prescribed by 48453
section 3313.618 of the Revised Code. 48454

(3) Has met additional criteria for granting an honors 48455
diploma. 48456

These additional criteria shall be the same as those 48457
prescribed by the state board under division (B) of section 48458
3313.61 of the Revised Code for the granting of such diplomas by 48459
school districts. No honors diploma shall be granted to anyone 48460
failing to comply with this division and not more than one 48461
honors diploma shall be granted to any student under this 48462
division. 48463

(C) A diploma or honors diploma awarded under this section 48464
shall be signed by the ~~superintendent of public instruction~~ 48465
director of education and workforce and the superintendent of 48466
the state school for the blind or the superintendent of the 48467
state school for the deaf, as applicable. Each diploma shall 48468
bear the date of its issue and be in such form as the school 48469
superintendent prescribes. 48470

(D) Upon granting a diploma to a student under this 48471
section, the superintendent of the state school in which the 48472
student is enrolled shall provide notice of receipt of the 48473
diploma to the board of education of the school district where 48474
the student is entitled to attend school under section 3313.64 48475
or 3313.65 of the Revised Code when not residing at the state 48476
school for the blind or the state school for the deaf. The 48477

notice shall indicate the type of diploma granted. 48478

Sec. 3325.09. (A) The ~~state board~~ department of education 48479
and workforce shall institute and establish career-technical 48480
education and work training programs for secondary and post- 48481
secondary students whose disabilities are visual impairments. 48482
These programs shall develop communication, mobility, and work 48483
skills and assist students in becoming productive members of 48484
society so that they can contribute to their communities and 48485
living environments. 48486

(B) The state school for the blind may use any gifts, 48487
donations, or bequests it receives under section 3325.10 of the 48488
Revised Code for one or more of the following purposes that are 48489
related to career-technical and work training programs for 48490
secondary and post-secondary students whose disabilities are 48491
visual impairments: 48492

(1) Room and board; 48493

(2) Training in mobility and orientation; 48494

(3) Activities that teach daily living skills; 48495

(4) Rehabilitation technology; 48496

(5) Activities that teach group and individual social and 48497
interpersonal skills; 48498

(6) Work placement in the community by the school or a 48499
community agency; 48500

(7) Transportation to and from work sites or locations of 48501
community interaction; 48502

(8) Supervision and management of programs and services. 48503

Sec. 3325.11. There is hereby created in the state 48504

treasury the state school for the blind student activity and 48505
work-study fund. Moneys received from donations, bequests, the 48506
school vocational program, and any other moneys designated for 48507
deposit in the fund by the superintendent of the state school 48508
for the blind shall be credited to the fund. Notwithstanding 48509
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 48510
~~board department of education and workforce~~ is not required to 48511
designate money for deposit into the fund. The school for the 48512
blind shall use money in the fund for school operating expenses, 48513
including, but not limited to, personal services, maintenance, 48514
and equipment related to student support, activities, and 48515
vocational programs, and for providing scholarships to students 48516
for further training upon graduation. 48517

Sec. 3325.12. Money deposited with the superintendent of 48518
the state school for the blind and the superintendent of the 48519
state school for the deaf by parents, relatives, guardians, and 48520
friends for the special benefit of any pupil shall remain in the 48521
hands of the respective superintendent for use accordingly. Each 48522
superintendent shall deposit the money into one or more personal 48523
deposit funds. Each superintendent shall keep itemized book 48524
accounts of the receipt and disposition of the money, which 48525
books shall be open at all times to the inspection of the 48526
~~superintendent of public instruction~~director of education and 48527
workforce. The superintendent of the state school for the blind 48528
and the superintendent of the state school for the deaf each 48529
shall adopt rules governing the deposit, transfer, withdrawal, 48530
or investment of the money and the investment earnings of the 48531
money. 48532

Whenever a pupil ceases to be enrolled in the state school 48533
for the blind or the state school for the deaf, if personal 48534
money of the pupil remains in the hands of the respective 48535

superintendent and no demand is made upon the superintendent by 48536
the pupil or the pupil's parent or guardian, the superintendent 48537
shall hold the money in a personal deposit fund for a period of 48538
at least one year. During that time, the superintendent shall 48539
make every effort possible to locate the pupil or the pupil's 48540
parent or guardian. If, at the end of this period, no demand has 48541
been made for the money held by the state school for the blind, 48542
the superintendent of the state school for the blind shall 48543
dispose of the money by transferring it to the state school for 48544
the blind student activity and work-study fund established by 48545
section 3325.11 of the Revised Code. If at the end of this 48546
period, no demand has been made for the money held by the state 48547
school for the deaf, the superintendent of the state school for 48548
the deaf shall dispose of the money by transferring it to the 48549
state school for the deaf educational program expenses fund 48550
established by section 3325.16 of the Revised Code. 48551

Sec. 3325.13. The state school for the blind employees 48552
food service fund is hereby created in the state treasury. The 48553
fund shall consist of payments received from employees who make 48554
purchases from the school's food service program. 48555
Notwithstanding section 3325.01 of the Revised Code, the 48556
approval of the ~~state board~~ department of education and 48557
workforce is not required to designate money for deposit into 48558
the fund. The school for the blind shall use money in the fund 48559
to pay costs associated with the school's food service program. 48560

Sec. 3325.14. The state school for the deaf employees food 48561
service fund is hereby created in the state treasury. The fund 48562
shall consist of payments received from employees who make 48563
purchases from the school's food service program. 48564
Notwithstanding section 3325.01 of the Revised Code, the 48565
approval of the ~~state board~~ department of education and 48566

workforce is not required to designate money for deposit into 48567
the fund. The school for the deaf shall use money in the fund to 48568
pay costs associated with the school's food service program. 48569

Sec. 3325.16. There is hereby created in the state 48570
treasury the state school for the deaf educational program 48571
expenses fund. Moneys received by the school from donations, 48572
bequests, student fundraising activities, fees charged for camps 48573
and workshops, gate receipts from athletic contests, and the 48574
student work experience program operated by the school, and any 48575
other moneys designated for deposit in the fund by the 48576
superintendent of the school, shall be credited to the fund. 48577
Notwithstanding section 3325.01 of the Revised Code, the 48578
approval of the ~~state board~~ department of education and 48579
workforce is not required to designate money for deposit into 48580
the fund. The state school for the deaf shall use moneys in the 48581
fund for educational programs, after-school activities, and 48582
expenses associated with student activities and clubs. 48583

Sec. 3325.17. There is hereby created in the state 48584
treasury the state school for the blind educational program 48585
expense fund. Moneys received by the school from donations, 48586
bequests, student fundraising activities, fees charged for 48587
camps, workshops, and summer work and learn cooperative 48588
programs, gate receipts from school activities, and any other 48589
moneys designated for deposit in the fund by the superintendent 48590
of the school, shall be credited to the fund. Notwithstanding 48591
section 3325.01 of the Revised Code, the approval of the ~~state~~ 48592
~~board~~ department of education and workforce is not required to 48593
designate money for deposit into the fund. The state school for 48594
the blind shall use moneys in the fund for educational programs, 48595
after-school activities, and expenses associated with student 48596
activities. 48597

Sec. 3326.02. There is hereby established the STEM 48598
committee of the department of education and workforce 48599
consisting of the following members: 48600

(A) The ~~superintendent of public instruction~~director of 48601
education and workforce, or the ~~superintendent's~~director's 48602
designee; 48603

(B) The chancellor of higher education, or the 48604
chancellor's designee; 48605

(C) The director of development, or the director's 48606
designee; 48607

(D) Four members of the public, two of whom shall be 48608
appointed by the governor, one of whom shall be appointed by the 48609
speaker of the house of representatives, and one of whom shall 48610
be appointed by the president of the senate. Members of the 48611
public shall be appointed based on their expertise in business 48612
or in STEM fields. 48613

All members of the committee appointed under division (D) 48614
of this section shall serve at the pleasure of their appointing 48615
authority. 48616

If a member listed in divisions (A) to (C) of this section 48617
elects to assign a designee to participate in committee business 48618
on the member's behalf, the member shall assign that designation 48619
to a single person for the time period in which the designation 48620
is effective. 48621

Members of the committee shall receive no compensation for 48622
their services. The department of education and workforce shall 48623
provide administrative support for the committee. 48624

Sec. 3326.03. (A) The STEM committee shall authorize the 48625

establishment of science, technology, engineering, and 48626
mathematics schools based on proposals submitted to the 48627
committee. 48628

The committee shall determine the criteria for proposals, 48629
establish procedures for the submission of proposals, accept and 48630
evaluate proposals, and choose which proposals to approve to 48631
become a STEM school. In approving proposals for STEM schools, 48632
the committee shall consider designating schools in diverse 48633
geographic regions of the state so that all students have access 48634
to a STEM school. 48635

The committee shall seek technical assistance from the 48636
Ohio STEM learning network, or its successor, throughout the 48637
process of accepting and evaluating proposals and choosing which 48638
proposals to approve. In approving proposals for STEM schools, 48639
the committee shall consider the recommendations of the Ohio 48640
STEM learning network, or its successor. 48641

The committee may authorize the establishment of a group 48642
of multiple STEM schools to operate from multiple facilities 48643
located in one or more school districts under the direction of a 48644
single governing body in the manner prescribed by section 48645
3326.031 of the Revised Code. The committee shall consider the 48646
merits of each of the proposed STEM schools within a group and 48647
shall authorize each school separately. Anytime after 48648
authorizing a group of STEM schools to be under the direction of 48649
a single governing body, the committee may authorize one or more 48650
additional schools to operate as part of that group, provided a 48651
proposal for each school is submitted in accordance with this 48652
section. 48653

The STEM committee may approve one or more STEM schools to 48654
serve only students identified as gifted under Chapter 3324. of 48655

the Revised Code. 48656

(B) Proposals may be submitted only by a partnership of 48657
public and private entities consisting of at least all of the 48658
following: 48659

(1) A city, exempted village, or local school district; 48660

(2) Higher education entities; 48661

(3) Business organizations. 48662

A community school established under Chapter 3314. of the 48663
Revised Code, a chartered nonpublic school, or both may be part 48664
of the partnership. 48665

(C) Each proposal shall include at least the following: 48666

(1) A statement of which of grades kindergarten through 48667
twelve will be offered by the school; 48668

(2) Assurances that the STEM school or group of STEM 48669
schools will be under the oversight of a governing body and a 48670
description of the members of that governing body and how they 48671
will be selected; 48672

(3) Assurances that each STEM school will operate in 48673
compliance with this chapter and the provisions of the proposal 48674
as accepted by the committee and that the school will maintain 48675
the STEM education practices set forth in the proposal; 48676

(4) Evidence that each school will exhibit school-wide 48677
cultural strategies reflecting innovation, an entrepreneurial 48678
spirit, inquiry, and collaboration with individual 48679
accountability; 48680

(5) Evidence that each school will offer a rigorous, 48681
diverse, integrated, and problem- or project-based curriculum to 48682

all students enrolled in the school, with the goal to prepare 48683
all students for post-high school learning experiences, the 48684
workforce, and citizenship, and that does all of the following: 48685

(a) Emphasizes and supports the role of science, 48686
technology, engineering, and mathematics in promoting innovation 48687
and economic progress; 48688

(b) Emphasizes the use of design thinking as a school-wide 48689
approach; 48690

(c) Provides opportunities for students to engage in 48691
personalized learning; 48692

(d) Includes the arts and humanities. If the proposal is 48693
for a STEAM school, it also shall include evidence that the 48694
curriculum will integrate arts and design into the study of 48695
science, technology, engineering, and mathematics to foster 48696
creative thinking, problem-solving, and new approaches to 48697
scientific invention. 48698

(6) Evidence that school leadership supports the 48699
curriculum principles of division (C) (5) of this section; 48700

(7) A description of how each school's curriculum was 48701
developed using the curriculum principles described in division 48702
(C) (5) of this section and approved by a team in accordance with 48703
section 3326.09 of the Revised Code; 48704

(8) Evidence that each school will participate in regular 48705
STEM-focused professional development and share knowledge of 48706
best practices; 48707

(9) Evidence that each school has established partnerships 48708
with institutions of higher education and businesses. If the 48709
proposal is for a STEAM school, it also shall include evidence 48710

of established partnerships with one or more arts organizations. 48711

(10) Assurances that each school has received commitments 48712
of sustained and verifiable fiscal and in-kind support from 48713
regional education and business entities. If the proposal is for 48714
a STEAM school, it also shall include assurances that the school 48715
has received commitments of sustained and verifiable fiscal and 48716
in-kind support from arts organizations. 48717

(11) A description of how each school's assets will be 48718
distributed if the school closes for any reason. 48719

(D) A STEM school that is designated under this section 48720
may submit an amended proposal to the STEM committee at any time 48721
to offer additional grade levels. Upon approval of the amended 48722
proposal by the committee, those grades may be offered by the 48723
school. 48724

(E) (1) If a school is designated as a STEM school under 48725
this section, it shall maintain that designation for five years 48726
unless the STEM committee revokes its designation during that 48727
five-year period under division (F) of this section. At the end 48728
of that five-year period, the school shall reapply to the STEM 48729
committee in order to maintain that designation. The committee 48730
shall authorize the continuation of the school's STEM 48731
designation if the committee finds that the school is in 48732
compliance with this chapter and the provisions of its proposal 48733
and any subsequent amendments to that proposal. 48734

If a school chooses not to reapply for designation as a 48735
STEM school under division (E) (1) of this section, the committee 48736
shall revoke the school's designation at the end of its five- 48737
year designation period. 48738

(2) If a school reapplies for its designation as a STEM 48739

school under division (E) (1) of this section and the committee 48740
has reason to believe that it is not in compliance with this 48741
chapter or the provisions of its proposal and any subsequent 48742
amendments to that proposal, the committee shall require the 48743
school, in collaboration with the department of education and 48744
workforce and the Ohio STEM learning network or its successor, 48745
to develop a corrective action plan. The school shall implement 48746
the corrective action plan and demonstrate exemplary STEM 48747
pedagogy and practices within one year of the plan's 48748
development. If the school fails to implement the corrective 48749
action plan to the satisfaction of the committee at the end of 48750
that year, the committee shall revoke the school's designation. 48751

(3) The department shall maintain records of the 48752
application status and designation renewal deadlines for each 48753
school that has been designated as a STEM school under this 48754
section. 48755

(F) If the STEM committee has reason to believe that a 48756
school that is designated as a STEM school under this section is 48757
not in compliance with this chapter or the provisions of its 48758
proposal and any subsequent amendments to that proposal, it may 48759
review the school's designation prior to the end of its five- 48760
year designation period. If the committee reviews a school's 48761
designation under this division, it must require the school to 48762
develop a corrective action plan in the same manner as specified 48763
in division (E) (2) of this section and implement that plan and 48764
demonstrate exemplary STEM pedagogy and practices within one 48765
year of the plan's development. If the school fails to implement 48766
the corrective action plan to the satisfaction of the committee 48767
at the end of that year, the committee shall revoke the school's 48768
designation. 48769

(G) If a STEM school wishes to become a STEAM school, it 48770
may change its existing proposal to include the items required 48771
under divisions (C) (5) (d), (C) (9), and (C) (10) of this section 48772
and submit the revised proposal to the STEM committee for 48773
approval. 48774

(H) Notwithstanding division (B) (1) of this section, on 48775
and after ~~the effective date of this amendment~~ September 30, 48776
2021, a school operated by a joint vocational school district 48777
that was designated as a STEM school prior to that date may 48778
maintain that designation provided the school continues to 48779
comply with this chapter and all provisions of its proposal and 48780
any subsequent amendments to that proposal. However, nothing 48781
shall prohibit that school from electing to apply for a 48782
designation of STEM school equivalent or distinction as a STEM 48783
program of excellence under section 3326.032 or 3326.04 of the 48784
Revised Code, respectively. 48785

Sec. 3326.032. (A) The STEM committee may grant a 48786
designation of STEM school equivalent to any of the following 48787
schools: 48788

(1) A school operated by a joint vocational school 48789
district; 48790

(2) A school offering career-technical education programs 48791
that is operated by a school district that is a comprehensive 48792
career-technical education provider; 48793

(3) A school offering career-technical education programs 48794
that is operated by a school district that is a participant in a 48795
compact career-technical education provider; 48796

(4) A community school established under Chapter 3314. of 48797
the Revised Code; 48798

(5) A chartered nonpublic school. 48799

In order to be eligible for this designation, a school 48800
shall submit a proposal that satisfies the requirements of this 48801
section. 48802

The committee shall determine the criteria for proposals, 48803
establish procedures for the submission of proposals, accept and 48804
evaluate proposals, and choose which proposals warrant a school 48805
to be designated as a STEM school equivalent. 48806

(B) A proposal for designation as a STEM school equivalent 48807
shall include at least the following: 48808

(1) A statement of which of grades kindergarten through 48809
twelve will be offered by the school; 48810

(2) Assurances that the school will operate in compliance 48811
with this section and the provisions of the proposal as accepted 48812
by the committee and that the school will maintain the STEM 48813
education practices set forth in the proposal; 48814

(3) Evidence that the school will exhibit school-wide 48815
cultural strategies reflecting innovation, an entrepreneurial 48816
spirit, inquiry, and collaboration with individual 48817
accountability; 48818

(4) Evidence that the school will offer a rigorous, 48819
diverse, integrated, and problem- or project-based curriculum to 48820
all students enrolled in the school, with the goal to prepare 48821
all students for post-secondary learning experiences, the 48822
workforce, and citizenship, and that does all of the following: 48823

(a) Emphasizes and supports the role of science, 48824
technology, engineering, and mathematics in promoting innovation 48825
and economic progress; 48826

- (b) Emphasizes the use of design thinking as a school-wide approach; 48827
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- (c) Provides opportunities for students to engage in personalized learning; 48829
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- (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. 48831
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- (5) Evidence that the school leadership supports the curriculum principles of division (B) (4) of this section; 48837
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- (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; 48839
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- (7) Evidence that the school will participate in regular professional development and share knowledge of best practices; 48843
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- (8) Evidence that the school has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school equivalent, it also shall include evidence of established partnerships with one or more arts organizations. 48845
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- (9) Assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 48850
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(C) (1) If a school is designated as a STEM school 48856
equivalent under this section, it shall maintain that 48857
designation for five years unless the STEM committee revokes its 48858
designation during that five-year period under division (D) of 48859
this section. At the end of that five-year period, the school 48860
shall reapply to the STEM committee in order to maintain that 48861
designation. The committee shall authorize the continuation of 48862
the school's designation as a STEM school equivalent if the 48863
committee finds that the school is in compliance with this 48864
chapter and the provisions of its proposal and any subsequent 48865
amendments to that proposal. 48866

If a school chooses not to reapply for designation as a 48867
STEM school equivalent under division (C) (1) of this section, 48868
the committee shall revoke the school's designation at the end 48869
of its five-year designation period. 48870

(2) If a school reapplies for its designation as a STEM 48871
school equivalent under division (C) (1) of this section and the 48872
committee has reason to believe that it is not in compliance 48873
with this chapter or the provisions of its proposal and any 48874
subsequent amendments to that proposal, the committee shall 48875
require the school, in collaboration with the department of 48876
education and workforce and the Ohio STEM learning network or 48877
its successor, to develop a corrective action plan. The school 48878
shall implement the corrective action plan and demonstrate 48879
exemplary STEM pedagogy and practices within one year of the 48880
plan's development. If the school fails to implement the 48881
corrective action plan to the satisfaction of the committee at 48882
the end of that year, the committee shall revoke the school's 48883
designation. 48884

(3) The department shall maintain records of the 48885

application status and designation renewal deadlines for each 48886
school that has been designated as a STEM school equivalent 48887
under this section. 48888

(D) If the STEM committee has reason to believe that a 48889
school that is designated as a STEM school equivalent under this 48890
section is not in compliance with this chapter or the provisions 48891
of its proposal and any subsequent amendments to that proposal, 48892
it may review the school's designation prior to the end of its 48893
five-year designation period. If the committee reviews a 48894
school's designation under this division, it must require the 48895
school to develop a corrective action plan in the same manner as 48896
specified in division (C) (2) of this section and implement that 48897
plan and demonstrate exemplary STEM pedagogy and practices 48898
within one year of the plan's development. If the school fails 48899
to implement the corrective action plan to the satisfaction of 48900
the committee at the end of that year, the committee shall 48901
revoke the school's designation. 48902

(E) A school that is designated as a STEM school 48903
equivalent under this section shall not be subject to the 48904
requirements of Chapter 3326. of the Revised Code, except that 48905
the school shall be subject to the requirements of this section 48906
and to the curriculum requirements of section 3326.09 of the 48907
Revised Code. 48908

Nothing in this section, however, shall relieve a 48909
community school of the applicable requirements of Chapter 3314. 48910
of the Revised Code. Nor shall anything in this section relieve 48911
a school operated by a joint vocational school district, a 48912
school operated by a comprehensive career-technical education 48913
provider, a school operated by a compact career-technical 48914
education provider, or a chartered nonpublic school of any 48915

provisions of law outside of this chapter that are applicable to 48916
such schools. 48917

(2) A school that is designated as a STEM school 48918
equivalent under this section shall not be eligible for 48919
operating funding under sections 3326.31 to 3326.37, 3326.39 to 48920
3326.40, and 3326.51 of the Revised Code. 48921

(3) A school that is designated as a STEM school 48922
equivalent under this section may apply for any of the grants 48923
and additional funds described in section 3326.38 of the Revised 48924
Code for which the school is eligible. 48925

(F) If a school that is designated as a STEM school 48926
equivalent under this section intends to close or intends to no 48927
longer be designated as a STEM school equivalent, it shall 48928
notify the STEM committee of that fact. 48929

(G) If a school that is designated as a STEM school 48930
equivalent wishes to be designated as a STEAM school equivalent, 48931
it may change its existing proposal to include the items 48932
required under divisions (B) (4) (d), (B) (8), and (B) (9) of this 48933
section and submit the revised proposal to the STEM committee 48934
for approval. 48935

Sec. 3326.04. (A) The STEM committee shall grant 48936
distinctions as STEM programs of excellence to STEM programs 48937
operated by joint vocational school districts, comprehensive 48938
career-technical education providers, compact career-technical 48939
education providers, and educational service centers in 48940
accordance with this section. 48941

(B) A joint vocational school district, comprehensive 48942
career-technical education provider, compact career-technical 48943
education provider, or educational service center may submit a 48944

proposal to the STEM committee seeking distinction as a STEM program of excellence. The proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:

(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the grades for which the program is designed.

(2) The program will provide students with the opportunity to innovate, develop an entrepreneurial spirit, engage in inquiry, and collaborate with individual accountability.

(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare 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 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.

(4) The district, provider, or service center leadership supports the curriculum principles of division (B) (3) of this section. 48974
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(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices. 48977
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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. 48980
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations; 48985
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(8) The program's curriculum was developed using the principles described in division (B) (3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code. 48991
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(C) (1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEAM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service 48995
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center shall reapply to the STEM committee in order to maintain 49003
that distinction. The committee shall authorize the continuation 49004
of the district's, provider's, or service center's distinction 49005
as a STEM program of excellence if the committee finds that the 49006
district, provider, or service center is in compliance with this 49007
chapter and the provisions of its proposal and any subsequent 49008
amendments to that proposal. 49009

If a joint vocational school district, comprehensive 49010
career-technical education provider, compact career-technical 49011
education provider, or educational service center chooses not to 49012
reapply for a distinction for a STEM program of excellence under 49013
division (C) (1) of this section, the committee shall revoke the 49014
district's, provider's, or service center's distinction at the 49015
end of its five-year period of distinction. 49016

(2) If a joint vocational school district, comprehensive 49017
career-technical education provider, compact career-technical 49018
education provider, or educational service center reapplies for 49019
distinction as a STEM program of excellence under division (C) 49020
(1) of this section and the committee has reason to believe that 49021
it is not in compliance with this chapter or the provisions of 49022
its proposal and any subsequent amendments to that proposal, the 49023
committee shall require the district, provider, or service 49024
center, in collaboration with the department of education and 49025
workforce and the Ohio STEM learning network or its successor, 49026
to develop a corrective action plan. The district, provider, or 49027
service center shall implement the corrective action plan and 49028
demonstrate exemplary STEM pedagogy and practices within one 49029
year of the plan's development. If the district, provider, or 49030
service center fails to implement the corrective action plan to 49031
the satisfaction of the committee at the end of that year, the 49032
committee shall revoke the district's, provider's, or service 49033

center's distinction. 49034

(3) The department shall maintain records of the 49035
application status and designation renewal deadlines for each 49036
joint vocational school district, comprehensive career-technical 49037
education provider, compact career-technical education provider, 49038
or educational service center that has received a distinction as 49039
a STEM program of excellence under this section. 49040

(D) If the STEM committee has reason to believe that a 49041
joint vocational school district, comprehensive career-technical 49042
education provider, compact career-technical education provider, 49043
or educational service center that has received a distinction as 49044
a STEM program of excellence under this section is not in 49045
compliance with this chapter or the provisions of its proposal 49046
and any subsequent amendments to that proposal, it may review 49047
the district's, provider's, or service center's distinction 49048
prior to the end of the five-year period during which that 49049
distinction is effective. If the committee reviews a district's, 49050
provider's, or service center's distinction under this division, 49051
it must require the district, provider, or service center to 49052
develop a corrective action plan in the same manner as specified 49053
in division (C) (2) of this section and implement that plan and 49054
demonstrate exemplary STEM pedagogy and practices within one 49055
year of the plan's development. If the district, provider, or 49056
service center fails to implement the corrective action plan to 49057
the satisfaction of the committee at the end of that year, the 49058
committee shall revoke the district's, provider's, or service 49059
center's distinction. 49060

(E) If a joint vocational school district, comprehensive 49061
career-technical education provider, compact career-technical 49062
education provider, or educational service center that has 49063

received distinction for a STEM program of excellence instead 49064
wishes to receive a distinction for a STEAM program of 49065
excellence, it may change its existing proposal to include the 49066
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 49067
this section and submit the revised proposal to the STEM 49068
committee for approval. 49069

Sec. 3326.08. (A) The governing body of each science, 49070
technology, engineering, and mathematics school shall engage the 49071
services of administrative officers, teachers, and nonteaching 49072
employees of the STEM school necessary for the school to carry 49073
out its mission and shall oversee the operations of the school. 49074
The governing body of each STEM school shall engage the services 49075
of a chief administrative officer to serve as the school's 49076
instructional and administrative leader. The chief 49077
administrative officer shall be granted the authority to oversee 49078
the recruitment, retention, and employment of teachers and 49079
nonteaching employees. 49080

(B) The department of education and workforce shall 49081
monitor the oversight of each STEM school exercised by the 49082
school's governing body and shall monitor the school's 49083
compliance with this chapter and with the proposal for the 49084
establishment of the school as it was approved by the STEM 49085
committee under section 3326.03 of the Revised Code. Except in 49086
the case of a STEM school that is governed and controlled by a 49087
school district in accordance with section 3326.51 of the 49088
Revised Code, if the department finds that the school is not in 49089
compliance with this chapter or with the proposal and the STEM 49090
committee has revoked the school's STEM designation under 49091
division (E) (1) or (2) or (F) of section 3326.03 of the Revised 49092
Code, the department shall consult with the STEM committee, and 49093
the committee shall order the school to close on the last day of 49094

the school year in which the committee issues its order. 49095

(C) The governing body of each STEM school shall comply 49096
with sections 121.22 and 149.43 of the Revised Code. 49097

Sec. 3326.081. (A) As used in this section, "license" has 49098
the same meaning as in section 3319.31 of the Revised Code. 49099

(B) If a person who is employed by a science, technology, 49100
engineering, and mathematics school established under this 49101
chapter is arrested, summoned, or indicted for an alleged 49102
violation of an offense listed in division (C) of section 49103
3319.31 of the Revised Code, if the person holds a license, or 49104
an offense listed in division (B)(1) of section 3319.39 of the 49105
Revised Code, if the person does not hold a license, the chief 49106
administrative officer of the school shall suspend that person 49107
from all duties that require the care, custody, or control of a 49108
child during the pendency of the criminal action against the 49109
person. If the person who is arrested, summoned, or indicted for 49110
an alleged violation of an offense listed in division (C) of 49111
section 3319.31 or division (B)(1) of section 3319.39 of the 49112
Revised Code is the chief administrative officer of the school, 49113
the governing body of the school shall suspend the chief 49114
administrative officer from all duties that require the care, 49115
custody, or control of a child. 49116

(C) When a person who holds a license is suspended in 49117
accordance with this section, the chief administrative officer 49118
or governing body that imposed the suspension promptly shall 49119
report the person's suspension to the department of education 49120
and workforce and to the state board of education. The report 49121
shall include the offense for which the person was arrested, 49122
summoned, or indicted. 49123

Sec. 3326.15. Each science, technology, engineering, and mathematics school and its governing body shall comply with sections 3313.603 and 3313.6027 of the Revised Code as if it were a school district. However, a STEM school may permit a student to earn units of high school credit based on a demonstration of subject area competency instead of or in combination with completing hours of classroom instruction prior to the adoption by the ~~state board~~ department of education and workforce of the plan for granting high school credit based on competency, as required by division (J) of that section. Upon adoption of the plan, each STEM school shall comply with that plan and award units of high school credit in accordance with the plan.

Sec. 3326.17. (A) The department of education and workforce shall issue an annual report card for each science, technology, engineering, and mathematics school that includes all information applicable to school buildings under section 3302.03 of the Revised Code.

(B) Beginning with the report cards issued for the 2020-2021 school year, for each student enrolled in a STEM school that is not a STEM school governed by a STEM school sponsoring district, as defined in section 3326.51 of the Revised Code, the department shall combine data regarding the academic performance of that student with comparable data from the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code for the purpose of calculating the performance of the district as a whole on the report card issued for the district under section 3302.03 of the Revised Code.

(C) The department also shall compute a rating for each

group of STEM schools that is under the direction of the same 49154
governing body, as authorized under section 3326.031 of the 49155
Revised Code, and issue a distinct report card for the group as 49156
a whole. 49157

(D) Each STEM school and its governing body shall comply 49158
with sections 3302.04 and 3302.041 of the Revised Code, except 49159
that any action required to be taken by a school district 49160
pursuant to those sections shall be taken by the school. 49161
~~However, the school shall not be required to take any action~~ 49162
~~described in division (F) of section 3302.04 of the Revised~~ 49163
~~Code.~~ 49164

Sec. 3326.211. (A) If the auditor of state or a public 49165
accountant, pursuant to section 117.41 of the Revised Code, 49166
declares a science, technology, engineering, and mathematics 49167
school to be unauditabile, the auditor of state shall provide 49168
written notification of that declaration to the school and the 49169
department of education and workforce. The auditor of state also 49170
shall post the notification on the auditor of state's web site. 49171

(B) If the STEM school's current treasurer held that 49172
position during the period for which the school is unauditabile, 49173
upon receipt of the notification under division (A) of this 49174
section, the governing body of the school shall suspend the 49175
treasurer until the auditor of state or a public accountant has 49176
completed an audit of the school. Suspension of the treasurer 49177
may be with or without pay, as determined by the governing body 49178
based on the circumstances that prompted the auditor of state's 49179
declaration. The governing body shall appoint a person to assume 49180
the duties of the treasurer during the period of the suspension. 49181
If the appointee is not licensed as a treasurer under section 49182
3301.074 of the Revised Code, the appointee shall be approved by 49183

the ~~superintendent of public instruction~~ director of education 49184
and workforce before assuming the duties of the treasurer. The 49185
state board of education may take action under section 3319.31 49186
of the Revised Code to suspend, revoke, or limit the license of 49187
a treasurer who has been suspended under this division. 49188

(C) Not later than forty-five days after receiving the 49189
notification under division (A) of this section, the governing 49190
body of the STEM school shall provide a written response to the 49191
auditor of state. The response shall include the following: 49192

(1) An overview of the process the governing body will use 49193
to review and understand the circumstances that led to the 49194
school becoming unauditabile; 49195

(2) A plan for providing the auditor of state with the 49196
documentation necessary to complete an audit of the school and 49197
for ensuring that all financial documents are available in the 49198
future; 49199

(3) The actions the governing body will take to ensure 49200
that the plan described in division (C) (2) of this section is 49201
implemented. 49202

(D) If the STEM school fails to make reasonable efforts 49203
and continuing progress to bring its accounts, records, files, 49204
or reports into an auditable condition within ninety days after 49205
being declared unauditabile, the auditor of state, in addition to 49206
requesting legal action under sections 117.41 and 117.42 of the 49207
Revised Code, shall notify the school and the department of the 49208
school's failure. If the auditor of state or a public accountant 49209
subsequently is able to complete a financial audit of the 49210
school, the auditor of state shall notify the school and the 49211
department that the audit has been completed. 49212

(E) Notwithstanding any provision to the contrary in this chapter or in any other provision of law, upon notification by the auditor of state under division (D) of this section that the STEM school has failed to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition, the department shall immediately cease all payments to the school under this chapter and any other provision of law. Upon subsequent notification from the auditor of state under that division that the auditor of state or a public accountant was able to complete a financial audit of the school, the department shall release all funds withheld from the school under this section.

Sec. 3326.23. This section does not apply to any science, technology, engineering, and mathematics school that is governed and controlled by a school district in accordance with section 3326.51 of the Revised Code on or after ~~the effective date of this amendment~~ September 30, 2021.

The governing body of each science, technology, engineering, and mathematics school annually shall provide the following assurances in writing to the department of education and workforce not later than ten business days prior to the opening of the school:

(A) That the school has a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(B) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of

the Revised Code; 49243

(C) That school personnel have the necessary training, 49244
knowledge, and resources to properly use and submit information 49245
to all databases maintained by the department for the collection 49246
of education data, including the education management 49247
information system established under section 3301.0714 of the 49248
Revised Code; 49249

(D) That all required information about the school has 49250
been submitted to the Ohio education directory system or any 49251
successor system; 49252

(E) That all classroom teachers are licensed in accordance 49253
with sections 3319.22 to 3319.31 of the Revised Code or are 49254
engaged to teach pursuant to section 3319.301 of the Revised 49255
Code; 49256

(F) That the school's treasurer is in compliance with 49257
section 3326.21 of the Revised Code; 49258

(G) That the school has complied with sections 3319.39 and 49259
3319.391 of the Revised Code with respect to all employees and 49260
that the school has conducted a criminal records check of each 49261
of its governing body members; 49262

(H) That the school holds all of the following: 49263

(1) Proof of property ownership or a lease for the 49264
facilities used by the school; 49265

(2) A certificate of occupancy; 49266

(3) Liability insurance for the school, as required by 49267
section 3326.11 of the Revised Code; 49268

(4) A satisfactory health and safety inspection; 49269

(5) A satisfactory fire inspection;	49270
(6) A valid food permit, if applicable.	49271
(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;	49272 49273 49274
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	49275 49276
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	49277 49278 49279
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.	49280 49281 49282 49283 49284 49285
(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:	49286 49287 49288 49289 49290 49291
(a) A STEM school;	49292
(b) A member of a STEM school governing body;	49293
(c) A STEM school employee or contractor;	49294
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine	49295 49296

autoinjectors, provides a consultation, or issues a protocol 49297
pursuant to this section. 49298

(2) This division does not eliminate, limit, or reduce any 49299
other immunity or defense that a STEM school or governing body, 49300
member of a STEM school governing body, STEM school employee or 49301
contractor, or licensed health professional may be entitled to 49302
under Chapter 2744. or any other provision of the Revised Code 49303
or under the common law of this state. 49304

(C) A STEM school may accept donations of epinephrine 49305
autoinjectors from a wholesale distributor of dangerous drugs or 49306
a manufacturer of dangerous drugs, as defined in section 4729.01 49307
of the Revised Code, and may accept donations of money from any 49308
person to purchase epinephrine autoinjectors. 49309

(D) A STEM school that elects to procure epinephrine 49310
autoinjectors under this section shall report to the department 49311
of education and workforce each procurement and occurrence in 49312
which an epinephrine autoinjector is used from the school's 49313
supply of epinephrine autoinjectors. 49314

Sec. 3326.30. (A) As used in this section, "inhaler" has 49315
the same meaning as in section 3313.7113 of the Revised Code. 49316

(B) With the approval of its governing body, a STEM school 49317
may procure inhalers in the manner prescribed by section 49318
3313.7113 of the Revised Code. A STEM school that elects to do 49319
so shall comply with all provisions of that section as if it 49320
were a school district. 49321

(C) A STEM school, a member of a STEM school governing 49322
body, or a STEM school employee or contractor is not liable in 49323
damages in a civil action for injury, death, or loss to person 49324
or property that allegedly arises from an act or omission 49325

associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

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, or STEM school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A STEM school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A STEM school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from the school's supply of inhalers.

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education and workforce, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of

section 3317.013 of the Revised Code applies to the student; 49355

(D) The full-time equivalent number of students reported 49356
under division (A) of this section who are enrolled in career- 49357
technical education programs or classes described in each of 49358
divisions (A) (1), (2), (3), (4), and (5) of section 3317.014 of 49359
the Revised Code that are provided by the STEM school; 49360

(E) The number of students reported under division (A) of 49361
this section who are English learners and which category 49362
specified in divisions (A) to (C) of section 3317.016 of the 49363
Revised Code applies to each student; 49364

(F) The number of students reported under division (A) of 49365
this section who are economically disadvantaged, as defined by 49366
the department. A student shall not be categorically excluded 49367
from the number reported under division (F) of this section 49368
based on anything other than family income. 49369

(G) The resident district of each student reported under 49370
division (A) of this section; 49371

(H) The total number of students enrolled in the school 49372
who are not residents of this state and any additional 49373
information regarding these students that the department 49374
requires the school to report. The school shall not receive any 49375
payments under this chapter for students reported under this 49376
division. 49377

(I) Any additional information the department determines 49378
necessary to make payments under this chapter. 49379

Sec. 3326.34. If a science, technology, engineering, and 49380
mathematics school established under this chapter incurs costs 49381
for a fiscal year for a student receiving special education and 49382
related services pursuant to an IEP for a disability described 49383

in divisions (B) to (F) of section 3317.013 of the Revised Code 49384
that exceed the threshold catastrophic cost for serving the 49385
student as specified in division (B) of section 3317.0214 of the 49386
Revised Code, the STEM school may submit to the ~~superintendent~~ 49387
~~of public instruction~~ department of education and workforce 49388
documentation, as prescribed by the ~~superintendent~~ department, of 49389
all its costs for that student. Upon submission of documentation 49390
for a student of the type and in the manner prescribed, the 49391
~~department of education~~ shall pay to the school or, if the 49392
school is part of a group of science, technology, engineering, 49393
and mathematics schools under section 3326.031 of the Revised 49394
Code, to the governing body of that group an amount equal to the 49395
school's costs for the student in excess of the threshold 49396
catastrophic costs. 49397

The school shall only report under this section, and the 49398
department shall only pay for, the costs of educational expenses 49399
and the related services provided to the student in accordance 49400
with the student's IEP. Any legal fees, court costs, or other 49401
costs associated with any cause of action relating to the 49402
student may not be included in the amount. 49403

Sec. 3326.35. The department of education and workforce 49404
shall adjust the amounts paid under section 3317.022 of the 49405
Revised Code to reflect any enrollment of students in science, 49406
technology, engineering, and mathematics schools for less than 49407
the equivalent of a full school year. 49408

Sec. 3326.36. The department of education and workforce 49409
shall reduce the amounts paid to a science, technology, 49410
engineering, and mathematics school or to the governing body of 49411
a group of science, technology, engineering, and mathematics 49412
schools under section 3317.022 of the Revised Code to reflect 49413

payments made to colleges under section 3365.07 of the Revised Code. A student shall be considered enrolled in the school for any portion of the school year the student is attending a college under Chapter 3365. of the Revised Code.

Sec. 3326.37. The department of education and workforce shall not pay to a science, technology, engineering, and mathematics school or to the governing body of a group of science, technology, engineering, or mathematics schools any amount for any of the following:

(A) Any student who has graduated from the twelfth grade of a public or nonpublic school;

(B) Any student who is not a resident of the state;

(C) Any student who was enrolled in a STEM school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section, unless the ~~superintendent of public instruction~~ director of education and workforce grants the student a waiver from the requirement to take the assessment. The ~~superintendent~~ director may grant a waiver only for good cause in accordance with rules adopted by the ~~state board of education~~ department.

(D) Any student 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 enrollment in a STEM school not later than four years after termination of war or their honorable discharge. If, however, any such veteran

elects to enroll in special courses organized for veterans for 49443
whom tuition is paid under federal law, or otherwise, the 49444
department shall not pay to the school or to the governing body 49445
any amount for that veteran. 49446

Sec. 3326.45. (A) The governing body of a science, 49447
technology, engineering, and mathematics school may contract 49448
with the governing board of an educational service center or the 49449
board of education of a joint vocational school district for the 49450
provision of services to the STEM school or to any student 49451
enrolled in the school. Services provided under the contract and 49452
the amount to be paid for those services shall be mutually 49453
agreed to by the parties to the contract, and shall be specified 49454
in the contract. 49455

(B) A contract entered into under this section may require 49456
an educational service center to provide any one or a 49457
combination of the following services to a STEM school: 49458

(1) Supervisory teachers; 49459

(2) In-service and continuing education programs for 49460
personnel of the STEM school; 49461

(3) Curriculum services as provided to the client school 49462
districts of the service center; 49463

(4) Research and development programs; 49464

(5) Academic instruction for which the service center 49465
governing board employs teachers; 49466

(6) Assistance in the provision of special accommodations 49467
and classes for students with disabilities. 49468

Services described in division (B) of this section shall 49469
be provided to the STEM school in the same manner they are 49470

provided to client school districts of the service center, 49471
unless otherwise specified in the contract. The contract shall 49472
specify whether the service center will receive a per-pupil 49473
payment from the department of education and workforce for the 49474
provision of these services and, if so, the amount of the per- 49475
pupil payment. 49476

(C) For each contract entered into under this section, the 49477
department shall deduct the amount owed by the STEM school from 49478
the state funds due to the STEM school under this chapter and 49479
shall pay that amount to the educational service center or joint 49480
vocational school district that is party to the contract. 49481

(D) No contract entered into under this section shall be 49482
valid unless a copy is filed with the department by the first 49483
day of the school year for which the contract is in effect. 49484

(E) As used in this section, "client school district" 49485
means a city, exempted village, or local school district that 49486
has entered into an agreement under section 3313.843 or 3313.845 49487
of the Revised Code to receive any services from an educational 49488
service center. 49489

Sec. 3326.51. (A) As used in this section: 49490

(1) "Resident district" has the same meaning as in section 49491
3326.31 of the Revised Code. 49492

(2) "STEM school sponsoring district" means a municipal, 49493
city, local, or exempted village school district that governs 49494
and controls a STEM school pursuant to this section. 49495

(B) Notwithstanding any other provision of this chapter to 49496
the contrary: 49497

(1) If a proposal for a STEM school submitted under 49498

section 3326.03 of the Revised Code proposes that the governing 49499
body of the school be the board of education of a municipal, 49500
city, local, or exempted village school district that is one of 49501
the partners submitting the proposal, and the STEM committee 49502
approves that proposal, that school district board shall govern 49503
and control the STEM school as one of the schools of its 49504
district. 49505

(2) The STEM school sponsoring district shall maintain a 49506
separate accounting for the STEM school as a separate and 49507
distinct operational unit within the district's finances. The 49508
auditor of state, in the course of an annual or biennial audit 49509
of the school district serving as the STEM school sponsoring 49510
district, shall audit that school district for compliance with 49511
the financing requirements of this section. 49512

(3) With respect to students enrolled in a STEM school 49513
whose resident district is the STEM school sponsoring district: 49514

(a) The department of education and workforce shall make 49515
payments to the school in accordance with section 3317.022 of 49516
the Revised Code from the STEM school sponsoring district's 49517
state payments. 49518

(b) The STEM school sponsoring district is responsible for 49519
providing children with disabilities with a free appropriate 49520
public education under Chapter 3323. of the Revised Code. 49521

(c) The STEM school sponsoring district shall provide 49522
student transportation in accordance with laws and policies 49523
generally applicable to the district. 49524

(4) With respect to students enrolled in the STEM school 49525
whose resident district is another school district, the 49526
department shall consider the students as open enrollment 49527

students and shall make payments to the school in accordance 49528
with section 3317.022 of the Revised Code. 49529

(5) A STEM school sponsoring district and its board may 49530
assign its district employees to the STEM school, in which case 49531
section 3326.18 of the Revised Code shall not apply. The 49532
district and board may apply any other resources of the district 49533
to the STEM school in the same manner that it applies district 49534
resources to other district schools. 49535

(6) Provisions of this chapter requiring a STEM school and 49536
its governing body to comply with specified laws as if it were a 49537
school district and in the same manner as a board of education 49538
shall instead require such compliance by the STEM school 49539
sponsoring district and its board of education, respectively, 49540
with respect to the STEM school. Where a STEM school or its 49541
governing body is required to perform a specific duty or 49542
permitted to take a specific action under this chapter, that 49543
duty is required to be performed or that action is permitted to 49544
be taken by the STEM school sponsoring district or its board of 49545
education, respectively, with respect to the STEM school. 49546

(7) No provision of this chapter limits the authority, as 49547
provided otherwise by law, of a school district and its board of 49548
education to levy taxes and issue bonds secured by tax revenues. 49549

(8) The treasurer of the STEM school sponsoring district 49550
or, if the STEM school sponsoring district is a municipal school 49551
district, the chief financial officer of the district, shall 49552
have all of the respective rights, authority, exemptions, and 49553
duties otherwise conferred upon the treasurer or chief financial 49554
officer by the Revised Code. 49555

Sec. 3326.60. (A) With the approval of its governing body, 49556

a STEM school established under this chapter may procure 49557
injectable or nasally administered glucagon in the manner 49558
prescribed by section 3313.7115 of the Revised Code. A STEM 49559
school that elects to do so shall comply with all provisions of 49560
that section as if it were a school district. 49561

(B) (1) The following are not liable in damages in a civil 49562
action for injury, death, or loss to person or property that 49563
allegedly arises from an act or omission associated with 49564
procuring, maintaining, accessing, or using injectable or 49565
nasally administered glucagon under this section, unless the act 49566
or omission constitutes willful or wanton misconduct: 49567

(a) A STEM school; 49568

(b) A member of a STEM school governing body; 49569

(c) A STEM school employee or contractor; 49570

(d) A licensed health professional authorized to prescribe 49571
drugs who personally furnishes or prescribes injectable or 49572
nasally administered glucagon, provides a consultation, or 49573
issues a protocol pursuant to this section. 49574

(2) This division does not eliminate, limit, or reduce any 49575
other immunity or defense that a STEM school or governing body, 49576
member of a STEM school governing body, STEM school employee or 49577
contractor, or licensed health professional may be entitled to 49578
under Chapter 2744. or any other provision of the Revised Code 49579
or under the common law of this state. 49580

(C) A STEM school may accept donations of injectable or 49581
nasally administered glucagon from a wholesale distributor of 49582
dangerous drugs or a manufacturer of dangerous drugs, as defined 49583
in section 4729.01 of the Revised Code, and may accept donations 49584
of money from any person to purchase the drug. 49585

(D) A STEM school that elects to procure injectable or 49586
nasally administered glucagon under this section shall report to 49587
the department of education and workforce each procurement and 49588
each occurrence in which a dose of the drug is used from the 49589
school's supply. 49590

Sec. 3327.01. Notwithstanding division (D) of section 49591
3311.19 and division (D) of section 3311.52 of the Revised Code, 49592
this section and sections 3327.011, 3327.012, and 3327.02 of the 49593
Revised Code do not apply to any joint vocational or cooperative 49594
education school district. 49595

In all city, local, and exempted village school districts 49596
where resident school pupils in grades kindergarten through 49597
eight live more than two miles from the school for which the 49598
~~state board director~~ of education and workforce prescribes 49599
minimum standards pursuant to division (D) of section 3301.07 of 49600
the Revised Code and to which they are assigned by the board of 49601
education of the district of residence or to and from the 49602
nonpublic or community school which they attend, the board of 49603
education shall provide transportation for such pupils to and 49604
from that school except as provided in section 3327.02 of the 49605
Revised Code. 49606

In all city, local, and exempted village school districts 49607
where pupil transportation is required under a career-technical 49608
plan approved by the ~~state board~~ department of education and 49609
workforce under section 3313.90 of the Revised Code, for any 49610
student attending a career-technical program operated by another 49611
school district, including a joint vocational school district, 49612
as prescribed under that section, the board of education of the 49613
student's district of residence shall provide transportation 49614
from the public high school operated by that district to which 49615

the student is assigned to the career-technical program. 49616

In all city, local, and exempted village school districts, 49617
the board may provide transportation for resident school pupils 49618
in grades nine through twelve to and from the high school to 49619
which they are assigned by the board of education of the 49620
district of residence or to and from the nonpublic or community 49621
high school which they attend for which the ~~state board director~~ 49622
of education and workforce prescribes minimum standards pursuant 49623
to division (D) of section 3301.07 of the Revised Code. 49624

A board of education shall not be required to transport 49625
elementary or high school pupils to and from a nonpublic or 49626
community school where such transportation would require more 49627
than thirty minutes of direct travel time as measured by school 49628
bus from the public school building to which the pupils would be 49629
assigned if attending the public school designated by the 49630
district of residence. 49631

Where it is impractical to transport a pupil by school 49632
conveyance, a board of education may offer payment, in lieu of 49633
providing such transportation in accordance with section 3327.02 49634
of the Revised Code. 49635

A board of education shall provide transportation to 49636
students enrolled in a community school or nonpublic school in 49637
accordance with this section on each day in which that school is 49638
open for operation with students in attendance, regardless of 49639
whether the district's own schools are open for operation with 49640
students in attendance on that day. However, a board of 49641
education shall not be required to transport elementary or high 49642
school pupils to and from a nonpublic or community school on 49643
Saturday or Sunday, unless a board of education and a nonpublic 49644
or community school have an agreement in place to do so before 49645

the first day of July of the school year in which the agreement 49646
takes effect. 49647

In all city, local, and exempted village school districts, 49648
the board shall provide transportation for all children who are 49649
so disabled that they are unable to walk to and from the school 49650
for which the ~~state board~~ director of education and workforce 49651
prescribes minimum standards pursuant to division (D) of section 49652
3301.07 of the Revised Code and which they attend. In case of 49653
dispute whether the child is able to walk to and from the 49654
school, the health commissioner shall be the judge of such 49655
ability. In all city, exempted village, and local school 49656
districts, the board shall provide transportation to and from 49657
school or special education classes for mentally disabled 49658
children in accordance with standards adopted by the ~~state board~~ 49659
department of education and workforce. 49660

When transportation of pupils is provided the conveyance 49661
shall be run on a time schedule that shall be adopted and put in 49662
force by the board not later than ten days after the beginning 49663
of the school term. The operator of every school bus or motor 49664
van owned and operated by any school district or educational 49665
service center or privately owned and operated under contract 49666
with any school district or service center in this state shall 49667
deliver students enrolled in preschool through twelfth grades to 49668
their respective public and nonpublic schools not sooner than 49669
thirty minutes prior to the beginning of school and to be 49670
available to pick them up not later than thirty minutes after 49671
the close of their respective schools each day. 49672

The cost of any transportation service authorized by this 49673
section shall be paid first out of federal funds, if any, 49674
available for the purpose of pupil transportation, and secondly 49675

out of state appropriations, in accordance with regulations 49676
adopted by the ~~state board of education~~department. 49677

No transportation of any pupils shall be provided by any 49678
board of education to or from any school which in the selection 49679
of pupils, faculty members, or employees, practices 49680
discrimination against any person on the grounds of race, color, 49681
religion, or national origin. 49682

Sec. 3327.011. In determining how best to provide 49683
transportation, where persons or firms on or after April 1, 49684
1965, were providing transportation to and from schools pursuant 49685
to contracts with persons or agencies responsible for the 49686
operation of such schools, the board of education responsible 49687
for transportation in accordance with section 3327.01 of the 49688
Revised Code shall give preference if economically feasible 49689
during the term of any such contract to the firm or person 49690
providing such transportation. The boards of education within 49691
the county or group of counties shall establish transportation 49692
routes, schedules, and utilization of transportation equipment. 49693
The appeals from the determination of the board of education 49694
responsible for transportation shall be taken to the ~~state board~~ 49695
department of education and workforce. 49696

Sec. 3327.012. Payments to school districts for 49697
transportation of school pupils shall be made on a current basis 49698
according to an estimate which shall be filed with the ~~state~~ 49699
~~board~~department of education and workforce by respective school 49700
districts in accordance with rules which the ~~state board of~~ 49701
~~education department~~ shall promulgate. The sum due the 49702
respective school district as calculated from approved cost in 49703
accordance with the rules of the board of education shall be 49704
adjusted annually in the quarter next following the end of the 49705

school year. The ~~superintendent of public instruction, subject~~ 49706
~~to the approval of the state board of education, department~~ may 49707
contract with any firm, person, or board of education to provide 49708
pupil transportation services authorized by this section. In no 49709
event shall the payment for such contract service exceed the 49710
average transportation cost per pupil, such average cost to be 49711
based on the cost of transportation of children by all boards of 49712
education in Ohio during the next preceding year. 49713

Sec. 3327.018. The board of education of each city, local, 49714
or exempted village school district that owns and operates buses 49715
for transporting students may contract, in writing, with a 49716
public or private not-for-profit agency, group, or organization, 49717
with a municipal corporation or other political subdivision or 49718
agency of the state, or with an agency of the federal government 49719
to operate its buses to assist the agency, group, organization, 49720
or political subdivision in the fulfillment of its legitimate 49721
activities and in times of emergency. These contracts shall be 49722
entered into under the authority of the school district as a 49723
political subdivision and shall not be considered commerce. When 49724
buses are made available to other agencies, groups, 49725
organizations, or political subdivisions under this section, the 49726
buses must be operated by individuals holding certificates 49727
issued by either the educational service center governing board 49728
that has entered into an agreement with the school district 49729
under section 3313.843 or 3313.845 of the Revised Code or the 49730
superintendent of the school district certifying that the 49731
individuals satisfy the requirements of section 3327.10 of the 49732
Revised Code. All ~~state board~~ department of education and 49733
workforce regulations governing the operation of school buses 49734
when transporting students shall apply when buses are used in 49735
accordance with this section. 49736

Any board of education of a city, local, or exempted 49737
village school district that makes one or more of its vehicles 49738
available under this section shall procure liability and 49739
property damage insurance, as provided in section 3327.09 of the 49740
Revised Code, covering all vehicles used and passengers 49741
transported under this section. The board of education may 49742
recover expenses from contracting entities, not to exceed the 49743
costs of operation and insurance coverage. 49744

Sec. 3327.02. (A) After considering each of the following 49745
factors, the board of education of a city, exempted village, or 49746
local school district, or a community school governing authority 49747
providing transportation pursuant to section 3314.091 of the 49748
Revised Code, may determine that it is impractical to transport 49749
a pupil who is eligible for transportation to and from a school 49750
under section 3327.01 of the Revised Code: 49751

(1) The time and distance required to provide the 49752
transportation; 49753

(2) The number of pupils to be transported; 49754

(3) The cost of providing transportation in terms of 49755
equipment, maintenance, personnel, and administration; 49756

(4) Whether similar or equivalent service is provided to 49757
other pupils eligible for transportation; 49758

(5) Whether and to what extent the additional service 49759
unavoidably disrupts current transportation schedules; 49760

(6) Whether other reimbursable types of transportation are 49761
available. 49762

(B) Based on its consideration of the factors established 49763
in division (A) of this section, the board or governing 49764

authority may pass a resolution declaring the impracticality of 49765
transportation. The resolution shall include each pupil's name 49766
and the reason for impracticality. Such determination shall be 49767
made not later than thirty calendar days prior to the district's 49768
or school's first day of instruction, or in the case of a 49769
student who enrolls within thirty calendar days prior to the 49770
first day of instruction or on or after the first day of 49771
instruction, not later than fourteen calendar days after the 49772
student's enrollment. The determination may be made by the 49773
superintendent and formalized at the next following meeting of 49774
the board or governing authority. 49775

The board or governing authority shall report its 49776
determination to the ~~state board~~ department of education and 49777
workforce in a manner determined by the ~~state board~~ department. 49778

In addition, the board or governing authority shall issue 49779
a letter to the pupil's parent, guardian, or other person in 49780
charge of the pupil, the nonpublic or community school in which 49781
the pupil is enrolled, and to the ~~state board~~ department with a 49782
detailed description of the reasons for which such determination 49783
was made. 49784

(C) After passing the resolution declaring the 49785
impracticality of transportation, the district board or 49786
governing authority shall offer to provide payment in lieu of 49787
transportation by doing the following: 49788

(1) In accordance with guidelines established by the 49789
~~department of education~~, informing the pupil's parent, guardian, 49790
or other person in charge of the pupil of both of the following: 49791

(a) The resolution; 49792

(b) The right of the pupil's parent, guardian, or other 49793

person in charge of the pupil to accept the offer of payment in 49794
lieu of transportation or to reject the offer and instead 49795
request the department to initiate mediation procedures. 49796

(2) Issuing the pupil's parent, guardian, or other person 49797
in charge of the pupil a contract or other form on which the 49798
parent, guardian, or other person in charge of the pupil is 49799
given the option to accept or reject the board's offer of 49800
payment in lieu of transportation. 49801

(D) If the parent, guardian, or other person in charge of 49802
the pupil accepts the offer of payment in lieu of providing 49803
transportation, the board or governing authority shall pay the 49804
parent, guardian, or other person in charge of the pupil an 49805
amount that shall be not less than fifty per cent, and not more 49806
than the amount determined by the department ~~of education~~ as the 49807
average cost of pupil transportation for the previous school 49808
year. Payment may be prorated if the time period involved is 49809
only a part of the school year. 49810

(E) (1) (a) Upon the request of a parent, guardian, or other 49811
person in charge of the pupil who rejected the payment in lieu 49812
of transportation, the department shall conduct mediation 49813
procedures. A parent, guardian, or other person in charge of the 49814
pupil may authorize the nonpublic or community school in which 49815
the pupil is enrolled to act on the parent's, guardian's, or 49816
other person's behalf during the mediation proceedings. 49817

(b) If the mediation does not resolve the dispute, the 49818
~~state board~~ department shall conduct a hearing in accordance 49819
with Chapter 119. of the Revised Code. The ~~state board~~ 49820
department may approve the payment in lieu of transportation or 49821
may order the district board of education or governing authority 49822
to provide transportation. The decision of the ~~state board~~ 49823

department is binding in subsequent years and on future parties 49824
in interest provided the facts of the determination remain 49825
comparable. 49826

(2) The school district or governing authority shall 49827
provide transportation for the pupil from the time the parent, 49828
guardian, or other person in charge of the pupil requests 49829
mediation until the matter is resolved under division (E) (1) (a) 49830
or (b) of this section. 49831

(F) (1) If the department determines that a school district 49832
board or governing authority has failed or is failing to provide 49833
transportation as required by division (E) (2) of this section or 49834
as ordered by the ~~state board~~ department under division (E) (1) 49835
(b) of this section, the department shall order the school 49836
district board or governing authority to pay to the pupil's 49837
parent, guardian, or other person in charge of the pupil, an 49838
amount equal to fifty per cent of the cost of providing 49839
transportation as determined by the board or governing authority 49840
under division (A) (3) of this section, and not more than two 49841
thousand five hundred dollars. The school district board or 49842
governing authority shall make payments on a schedule ordered by 49843
the department. 49844

(2) If the department subsequently finds that a school 49845
district board is not in compliance with an order issued under 49846
division (F) (1) of this section and the affected pupils are 49847
enrolled in a nonpublic or community school, the department 49848
shall deduct the amount that the board is required to pay under 49849
that order from any pupil transportation payments the department 49850
makes to the school district board under section 3317.0212 of 49851
the Revised Code or other provisions of law. The department 49852
shall use the moneys so deducted to make payments to the 49853

nonpublic or community school attended by the pupil. The 49854
department shall continue to make the deductions and payments 49855
required under this division until the school district board 49856
either complies with the department's order issued under 49857
division (F) (1) of this section or begins providing 49858
transportation. 49859

(G) A nonpublic or community school that receives payments 49860
from the department under division (F) (2) of this section shall 49861
do either of the following: 49862

(1) Disburse the entire amount of the payments to the 49863
parent, guardian, or other person in charge of the pupil 49864
affected by the failure of the school district of residence to 49865
provide transportation; 49866

(2) Use the entire amount of the payments to provide 49867
acceptable transportation for the affected pupil. 49868

(H) At any time after a parent, guardian, or other person 49869
in charge of a pupil requests transportation for a pupil, that 49870
parent, guardian, or other person may authorize the nonpublic or 49871
community school in which the pupil is enrolled to act on the 49872
parent's, guardian's, or other person's behalf for purposes of 49873
this section. 49874

Sec. 3327.021. The department of education and workforce 49875
shall monitor each city, local, or exempted village school 49876
district's compliance with sections 3327.01 and 3327.016 and 49877
division (B) of section 3327.017 of the Revised Code. If the 49878
department determines a consistent or prolonged period of 49879
noncompliance on the part of the school district to provide 49880
transportation as required under those sections, the department 49881
shall deduct from the district's payment for student 49882

transportation under Chapter 3317. of the Revised Code the total 49883
daily amount of that payment, as computed by the department, for 49884
each day that the district is not in compliance. 49885

This section does not affect the authority of a school 49886
district to provide payment in lieu of transportation in 49887
accordance with section 3327.02 of the Revised Code. 49888

Sec. 3327.05. (A) Except as provided in division (B) of 49889
this section, no board of education of any school district shall 49890
provide transportation for any pupil who is a school resident of 49891
another school district unless the pupil is enrolled pursuant to 49892
section 3313.98 of the Revised Code or the board of the other 49893
district has given its written consent thereto. If the board of 49894
any school district files with the ~~state board~~ department of 49895
education and workforce a written complaint that transportation 49896
for resident pupils is being provided by the board of another 49897
school district contrary to this division, the ~~state board of~~ 49898
~~education department~~ shall make an investigation of such 49899
complaint. If the ~~state board of education department~~ finds that 49900
transportation is being provided contrary to this section, it 49901
may withdraw from state funds due the offending district any 49902
part of the amount that has been approved for transportation 49903
pursuant to section 3317.0212 of the Revised Code or other 49904
provisions of law. 49905

(B) Notwithstanding division (D) of section 3311.19 and 49906
division (D) of section 3311.52 of the Revised Code, this 49907
division does not apply to any joint vocational or cooperative 49908
education school district. 49909

A board of education may provide transportation to and 49910
from the nonpublic school of attendance if both of the following 49911
apply: 49912

(1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section 3327.01 of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's enrollment reported to the department ~~of education~~ for purposes of calculating the district's transportation ADM under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under section 3317.0212 of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

Sec. 3327.08. Boards of education of city school districts, local school districts, exempted village school districts, cooperative education school districts, and joint

vocational school districts and governing boards of educational 49943
service centers may purchase on individual contract school buses 49944
and other equipment used in transporting children to and from 49945
school and to other functions as authorized by the boards, or 49946
the boards, at their discretion, may purchase the buses and 49947
equipment through any system of centralized purchasing 49948
established by the ~~state~~ department of education and workforce 49949
for that purpose, provided that state subsidy payments shall be 49950
based on the amount of the lowest price available to the boards 49951
by either method of purchase. No board shall be deprived of any 49952
form of state assistance in the purchase of buses and equipment 49953
by reason of purchases of buses and equipment on an individual 49954
contract. 49955

The purchase of school buses shall be made only after 49956
competitive bidding in accordance with section 3313.46 of the 49957
Revised Code. All bids shall state that the buses, prior to 49958
delivery, will comply with the safety rules of the department of 49959
public safety adopted pursuant to section 4511.76 of the Revised 49960
Code and all other pertinent provisions of law. 49961

At no time shall bid bonds be required for the purchase of 49962
school buses, unless the district board or educational service 49963
center governing board requests that bid bonds be part of the 49964
competitive bidding process for a specified purchase. 49965

Sec. 3327.10. (A) No person shall be employed as driver of 49966
a school bus or motor van, owned and operated by any school 49967
district or educational service center or privately owned and 49968
operated under contract with any school district or service 49969
center in this state, who has not received a certificate from 49970
either the educational service center governing board that has 49971
entered into an agreement with the school district under section 49972

3313.843 or 3313.845 of the Revised Code or the superintendent 49973
of the school district, certifying that such person is at least 49974
eighteen years of age and is qualified physically and otherwise 49975
for such position. The service center governing board or the 49976
superintendent, as the case may be, shall provide for an annual 49977
physical examination that conforms with rules adopted by the 49978
~~state board~~ department of education and workforce of each driver 49979
to ascertain the driver's physical fitness for such employment. 49980
The examination shall be performed by one of the following: 49981

(1) A person licensed under Chapter 4731. or 4734. of the 49982
Revised Code or by another state to practice medicine and 49983
surgery, osteopathic medicine and surgery, or chiropractic; 49984

(2) A physician assistant; 49985

(3) A certified nurse practitioner; 49986

(4) A clinical nurse specialist; 49987

(5) A certified nurse-midwife; 49988

(6) A medical examiner who is listed on the national 49989
registry of certified medical examiners established by the 49990
federal motor carrier safety administration in accordance with 49991
49 C.F.R. part 390. 49992

Any certificate may be revoked by the authority granting 49993
the same on proof that the holder has been guilty of failing to 49994
comply with division (D)(1) of this section, or upon a 49995
conviction or a guilty plea for a violation, or any other 49996
action, that results in a loss or suspension of driving rights. 49997
Failure to comply with such division may be cause for 49998
disciplinary action or termination of employment under division 49999
(C) of section 3319.081, or section 124.34 of the Revised Code. 50000

(B) No person shall be employed as driver of a school bus 50001
or motor van not subject to the rules of the department ~~of~~ 50002
~~education~~ pursuant to division (A) of this section who has not 50003
received a certificate from the school administrator or 50004
contractor certifying that such person is at least eighteen 50005
years of age and is qualified physically and otherwise for such 50006
position. Each driver shall have an annual physical examination 50007
which conforms to the state highway patrol rules, ascertaining 50008
the driver's physical fitness for such employment. The 50009
examination shall be performed by one of the following: 50010

(1) A person licensed under Chapter 4731. or 4734. of the 50011
Revised Code or by another state to practice medicine and 50012
surgery, osteopathic medicine and surgery, or chiropractic; 50013

(2) A physician assistant; 50014

(3) A certified nurse practitioner; 50015

(4) A clinical nurse specialist; 50016

(5) A certified nurse-midwife; 50017

(6) A medical examiner who is listed on the national 50018
registry of certified medical examiners established by the 50019
federal motor carrier safety administration in accordance with 50020
49 C.F.R. part 390. 50021

Any written documentation of the physical examination 50022
shall be completed by the individual who performed the 50023
examination. 50024

Any certificate may be revoked by the authority granting 50025
the same on proof that the holder has been guilty of failing to 50026
comply with division (D) (2) of this section. 50027

(C) Any person who drives a school bus or motor van must 50028

give satisfactory and sufficient bond except a driver who is an 50029
employee of a school district and who drives a bus or motor van 50030
owned by the school district. 50031

(D) No person employed as driver of a school bus or motor 50032
van under this section who is convicted of a traffic violation 50033
or who has had the person's commercial driver's license 50034
suspended shall drive a school bus or motor van until the person 50035
has filed a written notice of the conviction or suspension, as 50036
follows: 50037

(1) If the person is employed under division (A) of this 50038
section, the person shall file the notice with the 50039
superintendent, or a person designated by the superintendent, of 50040
the school district for which the person drives a school bus or 50041
motor van as an employee or drives a privately owned and 50042
operated school bus or motor van under contract. 50043

(2) If employed under division (B) of this section, the 50044
person shall file the notice with the employing school 50045
administrator or contractor, or a person designated by the 50046
administrator or contractor. 50047

(E) In addition to resulting in possible revocation of a 50048
certificate as authorized by divisions (A) and (B) of this 50049
section, violation of division (D) of this section is a minor 50050
misdemeanor. 50051

(F) (1) Not later than thirty days after June 30, 2007, 50052
each owner of a school bus or motor van shall obtain the 50053
complete driving record for each person who is currently 50054
employed or otherwise authorized to drive the school bus or 50055
motor van. An owner of a school bus or motor van shall not 50056
permit a person to operate the school bus or motor van for the 50057

first time before the owner has obtained the person's complete 50058
driving record. Thereafter, the owner of a school bus or motor 50059
van shall obtain the person's driving record not less frequently 50060
than semiannually if the person remains employed or otherwise 50061
authorized to drive the school bus or motor van. An owner of a 50062
school bus or motor van shall not permit a person to resume 50063
operating a school bus or motor van, after an interruption of 50064
one year or longer, before the owner has obtained the person's 50065
complete driving record. 50066

(2) The owner of a school bus or motor van shall not 50067
permit a person to operate the school bus or motor van for ten 50068
years after the date on which the person pleads guilty to or is 50069
convicted of a violation of section 4511.19 of the Revised Code 50070
or a substantially equivalent municipal ordinance. 50071

(3) An owner of a school bus or motor van shall not permit 50072
any person to operate such a vehicle unless the person meets all 50073
other requirements contained in rules adopted by the ~~state board~~ 50074
~~of education~~ department prescribing qualifications of drivers of 50075
school buses and other student transportation. 50076

(G) No superintendent of a school district, educational 50077
service center, community school, or public or private employer 50078
shall permit the operation of a vehicle used for pupil 50079
transportation within this state by an individual unless both of 50080
the following apply: 50081

(1) Information pertaining to that driver has been 50082
submitted to the ~~department of education~~, pursuant to procedures 50083
adopted by that department. Information to be reported shall 50084
include the name of the employer or school district, name of the 50085
driver, driver license number, date of birth, date of hire, 50086
status of physical evaluation, and status of training. 50087

(2) The most recent criminal records check required by 50088
division (J) of this section has been completed and received by 50089
the superintendent or public or private employer. 50090

(H) A person, school district, educational service center, 50091
community school, nonpublic school, or other public or nonpublic 50092
entity that owns a school bus or motor van, or that contracts 50093
with another entity to operate a school bus or motor van, may 50094
impose more stringent restrictions on drivers than those 50095
prescribed in this section, in any other section of the Revised 50096
Code, and in rules adopted by the ~~state board~~ department. 50097

(I) For qualified drivers who, on July 1, 2007, are 50098
employed by the owner of a school bus or motor van to drive the 50099
school bus or motor van, any instance in which the driver was 50100
convicted of or pleaded guilty to a violation of section 4511.19 50101
of the Revised Code or a substantially equivalent municipal 50102
ordinance prior to two years prior to July 1, 2007, shall not be 50103
considered a disqualifying event with respect to division (F) of 50104
this section. 50105

(J) (1) This division applies to persons hired by a school 50106
district, educational service center, community school, 50107
chartered nonpublic school, or science, technology, engineering, 50108
and mathematics school established under Chapter 3326. of the 50109
Revised Code to operate a vehicle used for pupil transportation. 50110

For each person to whom this division applies who is hired 50111
on or after November 14, 2007, the employer shall request a 50112
criminal records check in accordance with section 3319.39 of the 50113
Revised Code and every six years thereafter. For each person to 50114
whom this division applies who is hired prior to that date, the 50115
employer shall request a criminal records check by a date 50116
prescribed by the department ~~of education~~ and every six years 50117

thereafter. 50118

(2) This division applies to persons hired by a public or 50119
private employer not described in division (J) (1) of this 50120
section to operate a vehicle used for pupil transportation. 50121

For each person to whom this division applies who is hired 50122
on or after November 14, 2007, the employer shall request a 50123
criminal records check prior to the person's hiring and every 50124
six years thereafter. For each person to whom this division 50125
applies who is hired prior to that date, the employer shall 50126
request a criminal records check by a date prescribed by the 50127
department and every six years thereafter. 50128

(3) Each request for a criminal records check under 50129
division (J) of this section shall be made to the superintendent 50130
of the bureau of criminal identification and investigation in 50131
the manner prescribed in section 3319.39 of the Revised Code, 50132
except that if both of the following conditions apply to the 50133
person subject to the records check, the employer shall request 50134
the superintendent only to obtain any criminal records that the 50135
federal bureau of investigation has on the person: 50136

(a) The employer previously requested the superintendent 50137
to determine whether the bureau of criminal identification and 50138
investigation has any information, gathered pursuant to division 50139
(A) of section 109.57 of the Revised Code, on the person in 50140
conjunction with a criminal records check requested under 50141
section 3319.39 of the Revised Code or under division (J) of 50142
this section. 50143

(b) The person presents proof that the person has been a 50144
resident of this state for the five-year period immediately 50145
prior to the date upon which the person becomes subject to a 50146

criminal records check under this section. 50147

Upon receipt of a request, the superintendent shall 50148
conduct the criminal records check in accordance with section 50149
109.572 of the Revised Code as if the request had been made 50150
under section 3319.39 of the Revised Code. However, as specified 50151
in division (B) (2) of section 109.572 of the Revised Code, if 50152
the employer requests the superintendent only to obtain any 50153
criminal records that the federal bureau of investigation has on 50154
the person for whom the request is made, the superintendent 50155
shall not conduct the review prescribed by division (B) (1) of 50156
that section. 50157

(K) (1) Until the effective date of the amendments to rule 50158
3301-83-23 of the Ohio Administrative Code required by the 50159
second paragraph of division (E) of section 3319.39 of the 50160
Revised Code, any person who is the subject of a criminal 50161
records check under division (J) of this section and has been 50162
convicted of or pleaded guilty to any offense described in 50163
division (B) (1) of section 3319.39 of the Revised Code shall not 50164
be hired or shall be released from employment, as applicable, 50165
unless the person meets the rehabilitation standards prescribed 50166
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 50167
Administrative Code. 50168

(2) Beginning on the effective date of the amendments to 50169
rule 3301-83-23 of the Ohio Administrative Code required by the 50170
second paragraph of division (E) of section 3319.39 of the 50171
Revised Code, any person who is the subject of a criminal 50172
records check under division (J) of this section and has been 50173
convicted of or pleaded guilty to any offense that, under the 50174
rule, disqualifies a person for employment to operate a vehicle 50175
used for pupil transportation shall not be hired or shall be 50176

released from employment, as applicable, unless the person meets 50177
the rehabilitation standards prescribed by the rule. 50178

Sec. 3327.101. Notwithstanding anything to the contrary in 50179
this chapter or Chapter 3301-83 of the Administrative Code, the 50180
department of education and workforce shall develop an online 50181
bus driver training program to satisfy the classroom portion of 50182
pre-service and annual in-service training for school bus driver 50183
certification. On-the-bus training for drivers shall continue to 50184
be completed in person. 50185

Sec. 3327.13. The board of education of a school district 50186
that owns and operates busses for transporting pupils to and 50187
from school may contract with a nonpublic school located within 50188
the district to make available to the nonpublic school under a 50189
lease agreement, one or more of the district's busses to be used 50190
by the nonpublic school for transporting nonpublic school pupils 50191
to and from a school related activity that would be an approved 50192
school related activity if it were being offered by a public 50193
school within the district to public school pupils. All ~~state-~~ 50194
~~board-~~ department of education and workforce regulations 50195
governing the use of such busses by public schools while 50196
transporting pupils to and from school related activities shall 50197
be applicable to their use by the nonpublic school. 50198

The cost to the nonpublic school of leasing such busses 50199
shall not exceed the costs of operating such busses, as 50200
determined by the board of education of the school district. The 50201
charge to be made to the nonpublic school for the use of the 50202
busses shall be specified in the contract entered into pursuant 50203
to this section. 50204

Sec. 3327.14. The board of education of any school 50205
district that owns and operates buses for transporting pupils 50206

may contract under a lease agreement with a municipal 50207
corporation or a public or nonprofit private agency or 50208
organization delivering services to the aged, to make available 50209
one or more of the district's buses or other vehicles to be used 50210
for transporting persons sixty years of age or older. The board 50211
of education of any school district may also contract under a 50212
similar agreement with any group, organization or other entity 50213
engaged in adult education activities. 50214

The cost to the lessee of leasing such buses or other 50215
vehicles shall not exceed the costs of operating such buses or 50216
other vehicles as determined by the board of education of the 50217
school district. The charge to the lessee for the use of the 50218
buses or other vehicles, which may include the cost of providing 50219
an operator holding a certificate pursuant to section 3327.10 of 50220
the Revised Code, insurance coverage, and other direct and 50221
indirect costs to the school district shall be specified in the 50222
contract entered into pursuant to this section. 50223

All ~~state board~~ department of education and workforce 50224
regulations governing the use of such buses or other vehicles by 50225
public schools while transporting pupils to and from school 50226
related activities apply to the extent applicable to their use 50227
under this section. 50228

Any board of education making available one or more of its 50229
buses or other vehicles under this section shall procure 50230
liability and property damage insurance, as provided in section 50231
3327.09 of the Revised Code, covering each bus or vehicle used 50232
and each passenger transported under the leasing agreement. 50233

Sec. 3327.16. Notwithstanding division (D) of section 50234
3311.19 and division (D) of section 3311.52 of the Revised Code, 50235
this section does not apply to any joint vocational or 50236

cooperative education school district or its superintendent. 50237

(A) The superintendent of each school district may 50238
establish a volunteer bus rider assistance program, under which 50239
qualified adults or responsible older pupils, as determined by 50240
the superintendent, may be authorized to ride on school buses 50241
with pupils during such periods of time that the buses are being 50242
used to transport pupils to and from schools. Volunteers shall 50243
not be compensated for their services, but older pupils may be 50244
excused early from school to participate in the program. 50245

Volunteers may be assigned duties or responsibilities by 50246
the superintendent, including but not limited to, assisting 50247
younger pupils in embarking and disembarking from buses and in 50248
crossing streets where necessary to ensure the safety of the 50249
pupil, aiding the driver of the bus to maintain order on buses, 50250
assisting pupils with disabilities, and such other activities as 50251
the superintendent determines will aid in the safe and efficient 50252
transportation of pupils. 50253

Volunteers serving under this section are not employees 50254
for purposes of Chapter 4117. or 4123. of the Revised Code. 50255
Nothing in this section shall authorize a board of education to 50256
adversely affect the employment of any employee of the board. 50257

(B) The board of education of each city, local, or 50258
exempted village school district shall present a program to all 50259
pupils in kindergarten through third grade who are offered 50260
school bus transportation and who have not previously attended 50261
such program. The program shall consist of instruction in bus 50262
rider behavior, school bus safety, and the potential problems 50263
and hazards associated with school bus ridership. The department 50264
of education and workforce shall prescribe the content and 50265
length of such program, which shall be presented within two 50266

weeks after the commencement of classes each school year. 50267

Sec. 3328.01. As used in this chapter: 50268

(A) "Board of trustees" means the board of trustees 50269
established for a college-preparatory boarding school in 50270
accordance with section 3328.15 of the Revised Code. 50271

(B) "Child with a disability," "IEP," and "school district 50272
of residence" have the same meanings as in section 3323.01 of 50273
the Revised Code. 50274

(C) "Eligible student" means a student who is entitled to 50275
attend school in a participating school district; is at risk of 50276
academic failure; is from a family whose income is below two 50277
hundred per cent of the federal poverty guidelines, as defined 50278
in section 5101.46 of the Revised Code; meets any additional 50279
criteria prescribed by agreement between the ~~state board~~ 50280
department of education and workforce and the operator of the 50281
college-preparatory boarding school in which the student seeks 50282
enrollment; and meets at least two of the following additional 50283
conditions: 50284

(1) The student has a record of in-school disciplinary 50285
actions, suspensions, expulsions, or truancy. 50286

(2) The student has not attained at least a proficient 50287
score on the state achievement assessments in English language 50288
arts, reading, or mathematics prescribed under section 3301.0710 50289
of the Revised Code, after those assessments have been 50290
administered to the student at least once, or the student has 50291
not attained at least a score designated by the board of 50292
trustees of the college-preparatory boarding school in which the 50293
student seeks enrollment under this chapter on an end-of-course 50294
examination in English language arts or mathematics prescribed 50295

under section 3301.0712 of the Revised Code.	50296
(3) The student is a child with a disability.	50297
(4) The student has been referred for academic intervention services.	50298 50299
(5) The student's head of household is a single parent. As used in this division and in division (C)(6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student.	50300 50301 50302 50303 50304
(6) The student's head of household is not the student's custodial parent.	50305 50306
(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.	50307 50308
(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.	50309 50310 50311
(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.	50312 50313 50314
(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.	50315 50316 50317
(G) "Participating school district" means either of the following:	50318 50319
(1) The school district in which a college-preparatory boarding school established under this chapter is located;	50320 50321
(2) A school district other than one described in division	50322

(G) (1) of this section that, pursuant to procedures adopted by 50323
the ~~state board of education department~~ under section 3328.04 of 50324
the Revised Code, agrees to be a participating school district 50325
so that eligible students entitled to attend school in that 50326
district may enroll in a college-preparatory boarding school 50327
established under this chapter. 50328

Sec. 3328.02. (A) Each college-preparatory boarding school 50329
established under this chapter is a public school and is part of 50330
the state's program of education. 50331

(B) Acting through its board of trustees, the school may 50332
sue and be sued, acquire facilities as needed, contract for any 50333
services necessary for the operation of the school, and enter 50334
into contracts with the department of education and workforce 50335
pursuant to this chapter. The board of trustees may carry out 50336
any act and ensure the performance of any function that is in 50337
compliance with the Ohio Constitution, this chapter, other 50338
statutes applicable to college-preparatory boarding schools, and 50339
the contract entered into under this chapter establishing the 50340
school. 50341

(C) Each college-preparatory boarding school shall be 50342
established as a public benefit corporation under Chapter 1702. 50343
of the Revised Code. 50344

Sec. 3328.04. The city, exempted village, or local school 50345
district in which a college-preparatory boarding school 50346
established under this chapter is located is a participating 50347
school district under this chapter. Any other city, exempted 50348
village, or local school district may agree to be a 50349
participating school district. The ~~state board~~ department of 50350
education and workforce shall adopt procedures for districts to 50351
agree to be participating school districts. 50352

Sec. 3328.11. (A) In accordance with the procedures 50353
prescribed in division (B) of this section, the ~~state board-~~ 50354
department of education and workforce shall select a private 50355
nonprofit corporation that meets the following qualifications to 50356
operate each college-preparatory boarding school established 50357
under this chapter: 50358

(1) The corporation has experience operating a school or 50359
program similar to the schools authorized under this chapter. 50360

(2) The school or program described in division (A) (1) of 50361
this section has demonstrated to the satisfaction of the ~~state-~~ 50362
~~board department~~ success in improving the academic performance 50363
of students. 50364

(3) The corporation has demonstrated to the satisfaction 50365
of the ~~state board-~~ department that the corporation has the 50366
capacity to secure private funds for the development of the 50367
school authorized under this chapter. 50368

(B) (1) Not later than sixty days after ~~the effective date-~~ 50369
~~of this section September 29, 2011,~~ the ~~state board-~~ department 50370
shall issue a request for proposals from private nonprofit 50371
corporations qualified to operate a college-preparatory boarding 50372
school established under this chapter. If the ~~state board-~~ 50373
department subsequently determines that the establishment of one 50374
or more additional college-preparatory boarding schools is 50375
advisable, the ~~state board-~~ department shall issue requests for 50376
proposals from private nonprofit corporations qualified to 50377
operate those additional schools. 50378

In all cases, the ~~state board-~~ department shall select the 50379
school's operator from among the qualified responders within one 50380
hundred eighty days after the issuance of the request for 50381

proposals. If no qualified responder submits a proposal, the 50382
~~state board department~~ may issue another request for proposals. 50383

(2) Each proposal submitted to the ~~state board department~~ 50384
shall contain the following information: 50385

(a) The proposed location of the college-preparatory 50386
boarding school, which may differ from any location recommended 50387
by the ~~state board department~~ in the request for proposals; 50388

(b) A plan for offering grade six in the school's initial 50389
year of operation and a plan for increasing the grade levels 50390
offered by the school in subsequent years; 50391

(c) Any other information about the proposed educational 50392
program, facilities, or operations of the school considered 50393
necessary by the ~~state board department~~. 50394

(C) No college-preparatory boarding school established 50395
under this chapter shall open for operation prior to the 2013- 50396
2014 school year. 50397

Sec. 3328.12. The ~~state board department~~ of education and 50398
workforce shall enter into a contract with the operator of each 50399
college-preparatory boarding school established under this 50400
chapter. The contract shall stipulate the following: 50401

(A) The school's board of trustees shall oversee the 50402
acquisition of a facility for the school. 50403

(B) The operator shall operate the school in accordance 50404
with the terms of the proposal accepted by the ~~state board~~ 50405
department under section 3328.11 of the Revised Code, including 50406
the plan for increasing the grade levels offered by the school. 50407

(C) The school shall comply with the provisions of this 50408
chapter. 50409

(D) The school shall comply with any other provisions of law specified in the contract and the rules adopted by the ~~state board~~ department under section 3328.50 of the Revised Code.

(E) The school shall comply with the bylaws adopted by the board of trustees under section 3328.13 of the Revised Code.

(F) The school shall meet the academic goals and other performance standards specified in the contract.

(G) The school shall have a fiscal officer who meets standards established for the purposes of this division by the ~~state board~~ department.

(H) In accordance with procedures specified in the contract, the ~~department of education~~ shall monitor the operation, programs, and facilities of the school, including conducting on-site visits of the school.

(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 board~~ department.

Sec. 3328.15. (A) Each college-preparatory boarding school established under this chapter shall be governed by a board of trustees consisting of up to twenty-five members. Five of those members shall be appointed by the governor, with the advice and consent of the senate. The governor's appointments may be based on nonbinding recommendations made by the ~~superintendent of public instruction~~ director of education and workforce. Of the remaining members, initial members shall be appointed by the school's operator and future members shall be appointed pursuant to the bylaws adopted under section 3328.13 of the Revised Code. The governor, operator, or any other person or entity who appoints a member of the board of trustees under this section or the bylaws adopted under section 3328.13 of the Revised Code may remove that member from the board at any time.

(B) The terms of office of the initial members shall be as follows: 50470
50471

(1) Two members appointed by the governor shall serve for an initial term of three years. 50472
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(2) Two members appointed by the governor shall serve for an initial term of two years. 50474
50475

(3) One member appointed by the governor shall serve for an initial term of one year. 50476
50477

(4) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of three years. 50478
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50480

(5) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of two years. 50481
50482
50483

(6) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of one year. 50484
50485
50486

(7) Any remaining members appointed by the operator shall serve for an initial term of one year. 50487
50488

Thereafter the terms of office of all members shall be for three years. 50489
50490

The beginning date and ending date of terms of office shall be as prescribed by the school's operator, unless modified in the bylaws adopted under section 3328.13 of the Revised Code. 50491
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50493

(C) Vacancies on the board shall be filled in the same manner as the initial appointments. A member appointed to an unexpired term shall serve for the remainder of that term and 50494
50495
50496

may be reappointed subject to division (D) of this section. 50497

(D) No member may serve for more than three consecutive 50498
three-year terms. 50499

(E) The officers of the board shall be selected by and 50500
from among the members of the board. 50501

(F) Compensation for the members of the board, if any, 50502
shall be as prescribed in the bylaws adopted under section 50503
3328.13 of the Revised Code. 50504

(G) It shall be construed that any contract entered into 50505
by the board of trustees or any officer or trustee of a college- 50506
preparatory boarding school, including, but not limited to, an 50507
agreement or contract required by section 3318.08, 3318.60, or 50508
3318.61 of the Revised Code, is entered into by such individuals 50509
in their official capacities as representatives of the college- 50510
preparatory boarding school. No officer, trustee, or member of 50511
the board of trustees of a college-preparatory boarding school 50512
incurs any personal liability by virtue of section 3318.08, 50513
3318.60, or 3318.61 of the Revised Code or the entering into any 50514
contract on behalf of the school. 50515

Sec. 3328.18. (A) As used in this section, "license" has 50516
the same meaning as in section 3319.31 of the Revised Code. 50517

(B) If a person who is employed by a college-preparatory 50518
boarding school established under this chapter or its operator 50519
is arrested, summoned, or indicted for an alleged violation of 50520
an offense listed in division (C) of section 3319.31 of the 50521
Revised Code, if the person holds a license, or an offense 50522
listed in division (B) (1) of section 3319.39 of the Revised 50523
Code, if the person does not hold a license, the chief 50524
administrator of the school in which that person works shall 50525

suspend that person from all duties that require the care, 50526
custody, or control of a child during the pendency of the 50527
criminal action against the person. If the person who is 50528
arrested, summoned, or indicted for an alleged violation of an 50529
offense listed in division (C) of section 3319.31 or division 50530
(B)(1) of section 3319.39 of the Revised Code is the chief 50531
administrator of the school, the board of trustees of the school 50532
shall suspend the chief administrator from all duties that 50533
require the care, custody, or control of a child. 50534

(C) When a person who holds a license is suspended in 50535
accordance with this section, the chief administrator or board 50536
that imposed the suspension promptly shall report the person's 50537
suspension to the department of education and workforce and to 50538
the state board of education. The report shall include the 50539
offense for which the person was arrested, summoned, or 50540
indicted. 50541

Sec. 3328.23. (A) A college-preparatory boarding school 50542
established under this chapter shall comply with Chapter 3323. 50543
of the Revised Code as if the school were a school district. For 50544
each child with a disability enrolled in the school for whom an 50545
IEP has been developed, the school shall verify in the manner 50546
prescribed by the department of education and workforce that the 50547
school is providing the services required under the child's IEP. 50548

(B) The school district in which a child with a disability 50549
enrolled in the college-preparatory boarding school is entitled 50550
to attend school and the child's school district of residence, 50551
if different, are not obligated to provide the student with a 50552
free appropriate public education under Chapter 3323. of the 50553
Revised Code for as long as the child is enrolled in the 50554
college-preparatory boarding school. 50555

Sec. 3328.26. (A) The department of education and 50556
workforce shall issue an annual report card for each college- 50557
preparatory boarding school established under this chapter that 50558
includes all information applicable to school buildings under 50559
section 3302.03 of the Revised Code. 50560

(B) For each student enrolled in the school, the 50561
department shall combine data regarding the academic performance 50562
of that student with comparable data from the school district in 50563
which the student is entitled to attend school for the purpose 50564
of calculating the performance of the district as a whole on the 50565
report card issued for the district under section 3302.03 of the 50566
Revised Code. 50567

(C) Each college-preparatory boarding school and its 50568
operator shall comply with sections 3302.04 and 3302.041 of the 50569
Revised Code, except that any action required to be taken by a 50570
school district pursuant to those sections shall be taken by the 50571
school. 50572

Sec. 3328.29. (A) With the approval of its board of 50573
trustees, a college-preparatory boarding school established 50574
under this chapter may procure epinephrine autoinjectors in the 50575
manner prescribed by section 3313.7110 of the Revised Code. A 50576
college-preparatory boarding school that elects to do so shall 50577
comply with all provisions of that section as if it were a 50578
school district. 50579

(B) (1) The following are not liable in damages in a civil 50580
action for injury, death, or loss to person or property that 50581
allegedly arises from an act or omission associated with 50582
procuring, maintaining, accessing, or using an epinephrine 50583
autoinjector under this section, unless the act or omission 50584
constitutes willful or wanton misconduct: 50585

(a) A college-preparatory boarding school;	50586
(b) A member of a college-preparatory boarding school board of trustees;	50587 50588
(c) A college-preparatory boarding school employee or contractor;	50589 50590
(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.	50591 50592 50593 50594
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	50595 50596 50597 50598 50599 50600 50601
(C) A college-preparatory boarding school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	50602 50603 50604 50605 50606 50607
(D) A college-preparatory boarding school 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.	50608 50609 50610 50611 50612
Sec. 3328.30. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.	50613 50614

(B) With the approval of its board of trustees, a college-preparatory boarding school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A college-preparatory boarding school, a member of a college-preparatory boarding school board of trustees, or a college-preparatory boarding school employee or contractor is not liable in damages in a civil action for injury, death, or 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.

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, or college-preparatory boarding school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A college-preparatory boarding school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A college-preparatory boarding school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from a school's supply of

inhalers. 50645

Sec. 3328.31. Each college-preparatory boarding school 50646
established under this chapter shall report to the department of 50647
education and workforce, in the form and manner prescribed by 50648
the department, the following information: 50649

(A) The total number of students enrolled in the school; 50650

(B) The number of students enrolled in the school who are 50651
receiving special education and related services pursuant to an 50652
IEP; 50653

(C) The city, exempted village, or local school district 50654
in which each student reported under division (A) of this 50655
section is entitled to attend school; 50656

(D) Any additional information the department determines 50657
necessary to make payments to the school under this chapter. 50658

Sec. 3328.34. (A) For each child enrolled in a college- 50659
preparatory boarding school, as reported under section 3328.31 50660
of the Revised Code, the department of education and workforce 50661
shall pay to the school the sum of the amount eighty-five per 50662
cent of the operating expenditure per pupil of the city, local, 50663
or exempted village school district in which the child is 50664
entitled to attend school plus the per-pupil boarding amount 50665
specified in division (B) of this section. 50666

As used in this division, a district's "operating 50667
expenditure per pupil" is the total amount of state payments and 50668
other nonfederal revenue spent by the district for operating 50669
expenses during the previous fiscal year, divided by the 50670
district's enrolled ADM, as that term is defined in section 50671
3317.02 of the Revised Code, for the previous fiscal year. 50672

(B) For the first fiscal year in which a college-
preparatory boarding school may be established under this
chapter, the "per-pupil boarding amount" is twenty-five thousand
dollars. For each fiscal year thereafter, that amount shall be
adjusted by the rate of inflation, as measured by the consumer
price index (all urban consumers, all items) prepared by the
bureau of labor statistics of the United States department of
labor, for the previous twelve-month period.

(C) The ~~state board of education~~department may accept
funds from federal and state noneducation support services
programs for the purpose of funding the per pupil boarding
amount prescribed in division (B) of this section.
Notwithstanding any other provision of the Revised Code, the
~~state board~~department shall coordinate and streamline any
noneducation program requirements in order to eliminate
redundant or conflicting requirements, licensing provisions, and
oversight by government programs or agencies. The applicable
regulatory entities shall, to the maximum extent possible, use
reports and financial audits provided by the auditor of state
and coordinated by the ~~department of education~~ to eliminate or
reduce contract and administrative reviews. Regulatory entities
other than the ~~state board~~department may suggest reasonable
additional items to be included in such reports and financial
audits to meet any requirements of federal law. Reporting
paperwork prepared for the ~~state board~~department shall be
shared with and accepted by other state and local entities to
the maximum extent feasible.

(D) (1) Notwithstanding division (A) of this section, if,
in any fiscal year, a college-preparatory boarding school
receives federal funds for the purpose of supporting the
school's operations, the amount of those federal funds shall be

deducted from the total per-pupil boarding amount for all 50704
enrolled students paid by the department to the school for that 50705
fiscal year, unless the school's board of trustees and the 50706
department determine otherwise in a written agreement. Any 50707
portion of the total per-pupil boarding amount for all enrolled 50708
students remaining after the deduction of the federal funds 50709
shall be paid by the department to the school from state funds 50710
appropriated to the department. 50711

(2) Notwithstanding division (A) of this section, if, in 50712
any fiscal year, the department receives federal funds for the 50713
purpose of supporting the operations of a college-preparatory 50714
boarding school, the department shall use those federal funds, 50715
not including any portion of those funds designated for 50716
administration, to pay the school the total per-pupil boarding 50717
amount for all enrolled students for that fiscal year. Any 50718
portion of the total per-pupil boarding amount for all enrolled 50719
students remaining after the use of the federal funds shall be 50720
paid by the department to the school from state funds 50721
appropriated to the department. 50722

(3) If any federal funds are used for the purpose 50723
prescribed in division (D) (1) or (2) of this section, the 50724
department shall comply with all requirements upon which the 50725
acceptance of the federal funds is conditioned, including any 50726
requirements set forth in the funding application submitted by 50727
the school or the department and, to the extent sufficient funds 50728
are appropriated by the general assembly, any requirements 50729
regarding maintenance of effort in expenditures. 50730

Sec. 3328.35. To the extent permitted by federal law, the 50731
department of education and workforce shall include college- 50732
preparatory boarding schools established under this chapter in 50733

its annual allocation of federal moneys under Title I of the 50734
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 50735
6301, et seq. The department may apply for any other federal 50736
moneys that may be used to support the operations of college- 50737
preparatory boarding schools established under this chapter. 50738

Sec. 3328.37. (A) If the auditor of state or a public 50739
accountant, under section 117.41 of the Revised Code, declares a 50740
college-preparatory boarding school established under this 50741
chapter to be unauditabile, the auditor of state shall provide 50742
written notification of that declaration to the school and the 50743
department of education and workforce. The auditor of state also 50744
shall post the notification on the auditor of state's web site. 50745

(B) If the college-preparatory boarding school's current 50746
fiscal officer held that position during the period for which 50747
the school is unauditabile, upon receipt of the notification 50748
under division (A) of this section, the board of trustees of the 50749
school shall suspend the fiscal officer until the auditor of 50750
state or a public accountant has completed an audit of the 50751
school, except that if the fiscal officer is employed by the 50752
school's operator, the operator shall suspend the fiscal officer 50753
for that period. Suspension of the fiscal officer may be with or 50754
without pay, as determined by the entity imposing the suspension 50755
based on the circumstances that prompted the auditor of state's 50756
declaration. The entity imposing the suspension shall appoint a 50757
person to assume the duties of the fiscal officer during the 50758
period of the suspension. If the appointee is not licensed as a 50759
treasurer under section 3301.074 of the Revised Code, the 50760
appointee shall be approved by the ~~superintendent of public-~~ 50761
~~instruction~~ director of education and workforce before assuming 50762
the duties of the fiscal officer. The state board of education 50763
may take action under section 3319.31 of the Revised Code to 50764

suspend, revoke, or limit the license of a fiscal officer who 50765
has been suspended under this division. 50766

(C) Not later than forty-five days after receiving the 50767
notification under division (A) of this section, the board of 50768
trustees of the college-preparatory boarding school shall 50769
provide a written response to the auditor of state. The response 50770
shall include the following: 50771

(1) An overview of the process the board will use to 50772
review and understand the circumstances that led to the school 50773
becoming unauditable; 50774

(2) A plan for providing the auditor of state with the 50775
documentation necessary to complete an audit of the school and 50776
for ensuring that all financial documents are available in the 50777
future; 50778

(3) The actions the board will take to ensure that the 50779
plan described in division (C) (2) of this section is 50780
implemented. 50781

(D) If the college-preparatory boarding school fails to 50782
make reasonable efforts and continuing progress to bring its 50783
accounts, records, files, or reports into an auditable condition 50784
within ninety days after being declared unauditable, the auditor 50785
of state, in addition to requesting legal action under sections 50786
117.41 and 117.42 of the Revised Code, shall notify the school 50787
and the department of the school's failure. If the auditor of 50788
state or a public accountant subsequently is able to complete a 50789
financial audit of the school, the auditor of state shall notify 50790
the school and the department that the audit has been completed. 50791

(E) Notwithstanding any provision to the contrary in this 50792
chapter or in any other provision of law, upon notification by 50793

the auditor of state under division (D) of this section that the 50794
college-preparatory boarding school has failed to make 50795
reasonable efforts and continuing progress to bring its 50796
accounts, records, files, or reports into an auditable 50797
condition, the department shall immediately cease all payments 50798
to the school under this chapter and any other provision of law. 50799
Upon subsequent notification from the auditor of state under 50800
that division that the auditor of state or a public accountant 50801
was able to complete a financial audit of the school, the 50802
department shall release all funds withheld from the school 50803
under this section. 50804

Sec. 3328.38. (A) With the approval of its board of 50805
trustees, a college-preparatory boarding school established 50806
under this chapter may procure injectable or nasally 50807
administered glucagon in the manner prescribed by section 50808
3313.7115 of the Revised Code. A college-preparatory boarding 50809
school that elects to do so shall comply with all provisions of 50810
that section as if it were a school district. 50811

(B) (1) The following are not liable in damages in a civil 50812
action for injury, death, or loss to person or property that 50813
allegedly arises from an act or omission associated with 50814
procuring, maintaining, accessing, or using injectable or 50815
nasally administered glucagon under this section, unless the act 50816
or omission constitutes willful or wanton misconduct: 50817

(a) A college-preparatory boarding school; 50818

(b) A member of a college-preparatory boarding school 50819
board of trustees; 50820

(c) A college-preparatory boarding school employee or 50821
contractor; 50822

(d) A licensed health professional authorized to prescribe 50823
drugs who personally furnishes or prescribes injectable or 50824
nasally administered glucagon, provides a consultation, or 50825
issues a protocol pursuant to this section. 50826

(2) This division does not eliminate, limit, or reduce any 50827
other immunity or defense that a college-preparatory boarding 50828
school or board of trustees, member of a college-preparatory 50829
boarding school board of trustees, college-preparatory boarding 50830
school employee or contractor, or licensed health professional 50831
may be entitled to under Chapter 2744. or any other provision of 50832
the Revised Code or under the common law of this state. 50833

(C) A college-preparatory boarding school may accept 50834
donations of injectable or nasally administered glucagon from a 50835
wholesale distributor of dangerous drugs or a manufacturer of 50836
dangerous drugs, as defined in section 4729.01 of the Revised 50837
Code, and may accept donations of money from any person to 50838
purchase the drug. 50839

(D) A college-preparatory boarding school that elects to 50840
procure injectable or nasally administered glucagon under this 50841
section shall report to the department of education and 50842
workforce each procurement and each occurrence in which a dose 50843
of the drug is used from the school's supply. 50844

Sec. 3328.45. (A) If the ~~state board~~ department of 50845
education and workforce determines that a college-preparatory 50846
boarding school established under this chapter is not in 50847
compliance with any provision of this chapter or the terms of 50848
the contract entered into under section 3328.12 of the Revised 50849
Code, or that the school has failed to meet the academic goals 50850
or performance standards specified in that contract, the ~~state~~ 50851
~~board~~ department may initiate the termination procedures 50852

specified in the contract. No termination shall take effect 50853
prior to the end of a school year. Upon the effective date of a 50854
termination, the school shall close. 50855

(B) If a college-preparatory boarding school is required 50856
to close under division (A) of this section or closes for any 50857
other reason, the school's board of trustees shall execute the 50858
closing as provided in the contract under section 3328.12 of the 50859
Revised Code. 50860

Sec. 3328.50. The ~~state board~~ department of education and 50861
workforce shall adopt rules in accordance with Chapter 119. of 50862
the Revised Code prescribing procedures necessary for the 50863
implementation of this chapter. 50864

Sec. 3329.01. Any publisher of textbooks or electronic 50865
textbooks in the United States desiring to offer such textbooks 50866
or electronic textbooks for use by pupils in the public schools 50867
of Ohio, before such textbooks or electronic textbooks may be 50868
adopted and purchased by any school board, must, on or before 50869
the first day of January of each year, file ~~in the office of the~~ 50870
~~superintendent of public instruction~~ with the department of 50871
education and workforce, a statement that the list wholesale 50872
price to school districts in Ohio will be no more than the 50873
lowest list wholesale price available to school districts in any 50874
other state. 50875

No publisher of a textbook shall file a statement under 50876
this section unless the publisher complies with all of the 50877
following: 50878

(A) At the same time as filing the statement, the 50879
publisher also files: 50880

(1) For textbooks published before August 18, 2006, the 50881

wholesale price of an electronic file that contains the text of 50882
the textbook in rich text format, or another electronic format 50883
approved by the ~~superintendent of public instruction~~department, 50884
for translating the text of the textbook into braille; 50885

(2) For textbooks published on or after August 18, 2006, 50886
the wholesale price of an electronic file that contains the text 50887
of the textbook, and of all instructional materials the 50888
publisher offers with the textbook, in the national 50889
instructional materials accessibility standard (NIMAS) code for 50890
translating the text of the entire textbook into NIMAS-approved 50891
formats, including braille, audio, digital text, or large print. 50892

(B) The list wholesale price filed for any specified 50893
number of electronic files described in divisions (A) (1) and (2) 50894
of this section for the textbook and instructional materials the 50895
publisher offers with the textbook does not exceed the list 50896
wholesale price for the same number of the printed version of 50897
the textbook and materials. 50898

(C) For textbooks published on or after August 18, 2006, 50899
the publisher sends one copy of the electronic file described in 50900
division (A) (2) of this section for the entire textbook and all 50901
instructional materials the publisher offers with the textbook 50902
in NIMAS code, at no cost, to the national instructional 50903
materials access center. 50904

As used in this section and in sections 3329.03 to 3329.10 50905
of the Revised Code, "electronic textbook" means computer 50906
software, interactive videodisc, magnetic media, optical media, 50907
computer courseware, on-line service, electronic medium, or 50908
other means of conveying information to the student or otherwise 50909
contributing to the learning process through electronic means. 50910

Sec. 3329.03. If a publisher who files a statement under 50911
section 3329.01 of the Revised Code, fails or refuses to furnish 50912
such textbooks or electronic textbooks adopted as provided in 50913
sections 3329.01 to 3329.10 of the Revised Code to any board of 50914
education upon the terms provided in such sections, such board 50915
at once must notify the ~~state board~~ department of education and 50916
workforce of such failure or refusal, and the ~~state board of~~ 50917
~~education department~~ at once shall cause an investigation of 50918
such charge to be made. If it is found to be true, the ~~state~~ 50919
~~board of education department~~ at once shall notify such 50920
publisher and each board in the state that such textbooks or 50921
electronic textbooks shall not thereafter be adopted and 50922
purchased by boards of education. Such publisher shall pay to 50923
the state five hundred dollars for each failure, to be recovered 50924
in the name of the state, in an action to be brought by the 50925
attorney general, in the court of common pleas of Franklin 50926
county, or in any other proper court or in any other place where 50927
service can be made. The amount, when collected, must be paid 50928
into the state treasury to the credit of the state general 50929
revenue fund. 50930

Sec. 3329.10. A superintendent, supervisor, principal, or 50931
teacher employed by any board of education shall not act as 50932
sales agent, either directly or indirectly, for any person, 50933
firm, or corporation that files school textbooks or electronic 50934
textbooks with the ~~superintendent of public~~ 50935
~~instruction~~ department of education and workforce, or that sells 50936
school apparatus or equipment of any kind for use in the public 50937
schools. A violation of this section shall work a forfeiture of 50938
their licenses to teach in the public schools. 50939

Sec. 3331.01. (A) As used in this chapter: 50940

(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.

(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.

(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.

(D) Age and schooling certificate forms shall be approved

by the ~~state board~~department of education and workforce, 50970
including forms submitted electronically. Forms shall not 50971
display the social security number of the child. Except as 50972
otherwise provided in this section, every application for an age 50973
and schooling certificate must be signed in the presence of the 50974
officer issuing it by the child in whose name it is issued. 50975

(E) A child shall furnish the superintendent or chief 50976
administrative officer all information required by this chapter 50977
in support of the issuance of a certificate. 50978

(F) On and after September 1, 2002, each superintendent 50979
and chief administrative officer who issues an age and schooling 50980
certificate shall file electronically the certificate with the 50981
director of commerce in accordance with rules adopted by the 50982
director of administrative services pursuant to section 1306.21 50983
of the Revised Code. On and after September 1, 2002, only 50984
electronically filed certificates are valid to satisfy the 50985
requirements of Chapter 4109. of the Revised Code. 50986

Sec. 3331.02. (A) The superintendent of schools or the 50987
chief administrative officer, as appropriate pursuant to section 50988
3331.01 of the Revised Code, shall not issue an age and 50989
schooling certificate until the superintendent or chief 50990
administrative officer has received, examined, approved, and 50991
filed the following papers duly executed: 50992

(1) The written pledge or promise of the person, 50993
partnership, or corporation to legally employ the child, and for 50994
this purpose work performed by a minor, directly and exclusively 50995
for the benefit of such minor's parent, in the farm home or on 50996
the farm of such parent is legal employment, irrespective of any 50997
contract of employment, or the absence thereof, to permit the 50998
child to attend school as provided in section 3321.08 of the 50999

Revised Code, and give notice of the nonuse of an age and 51000
schooling certificate within five days from the date of the 51001
child's withdrawal or dismissal from the service of that person, 51002
partnership, or corporation, giving the reasons for such 51003
withdrawal or dismissal; 51004

(2) The child's school record or notification. As used in 51005
this division, a "school record" means documents properly filled 51006
out and signed by the person in charge of the school which the 51007
child last attended, giving the recorded age of the child, the 51008
child's address, standing in studies, rating in conduct, and 51009
attendance in days during the school year of the child's last 51010
attendance; "notification" means the information submitted to 51011
the superintendent by the parent of a child excused from 51012
attendance at school pursuant to ~~division (A) (2) of section~~ 51013
~~3321.04-3321.042~~ of the Revised Code, as the notification is 51014
required by rules adopted by the department of education and 51015
workforce. 51016

(3) Evidence of the age of the child as follows: 51017

(a) A certified copy of an original birth record or a 51018
certification of birth, issued in accordance with Chapter 3705. 51019
of the Revised Code, or by an officer charged with the duty of 51020
recording births in another state or country, shall be 51021
conclusive evidence of the age of the child; 51022

(b) In the absence of such birth record or certification 51023
of birth, a passport, or duly attested transcript thereof, 51024
showing the date and place of birth of the child, filed with a 51025
register of passports at a port of entry of the United States; 51026
or an attested transcript of the certificate of birth or baptism 51027
or other religious record, showing the date and place of birth 51028
of the child, shall be conclusive evidence of the age of the 51029

child; 51030

(c) In case none of the above proofs of age can be 51031
produced, other documentary evidence, except the affidavit of 51032
the parent, guardian, or custodian, satisfactory to the 51033
superintendent or chief administrative officer may be accepted 51034
in lieu thereof; 51035

(d) In case no documentary proof of age can be procured, 51036
the superintendent or chief administrative officer may receive 51037
and file an application signed by the parent, guardian, or 51038
custodian of the child that a medical certificate be secured to 51039
establish the sufficiency of the age of the child, which 51040
application shall state the alleged age of the child, the place 51041
and date of birth, the child's present residence, and such 51042
further facts as may be of assistance in determining the age of 51043
the child, and shall certify that the person signing the 51044
application is unable to obtain any of the documentary proofs 51045
specified in divisions (A) (3) (a), (b), and (c) of this section; 51046
and if the superintendent or chief administrative officer is 51047
satisfied that a reasonable effort to procure such documentary 51048
proof has been without success such application shall be granted 51049
and the certificate of the school physician or if there be none, 51050
of a physician, a physician assistant, a clinical nurse 51051
specialist, or a certified nurse practitioner employed by the 51052
board of education, that said physician, physician assistant, 51053
clinical nurse specialist, or certified nurse practitioner is 51054
satisfied that the child is above the age required for an age 51055
and schooling certificate as stated in section 3331.01 of the 51056
Revised Code, shall be accepted as sufficient evidence of age. 51057

(4) A certificate, including an athletic certificate of 51058
examination, from a physician licensed pursuant to Chapter 4731. 51059

of the Revised Code, a physician assistant, a clinical nurse 51060
specialist, or a certified nurse practitioner, or from the 51061
district health commissioner, showing after a thorough 51062
examination that the child is physically fit to be employed in 51063
such occupations as are not prohibited by law for a boy or girl, 51064
as the case may be, under eighteen years of age; but a 51065
certificate with "limited" written, printed, marked, or stamped 51066
thereon may be furnished by such physician, physician assistant, 51067
clinical nurse specialist, or certified nurse practitioner and 51068
accepted by the superintendent or chief administrative officer 51069
in issuing a "limited" age and schooling certificate provided in 51070
section 3331.06 of the Revised Code, showing that the child is 51071
physically fit to be employed in some particular occupation not 51072
prohibited by law for a boy or girl of such child's age, as the 51073
case may be, even if the child's complete physical ability to 51074
engage in such occupation cannot be vouched for. 51075

(B) (1) Except as provided in division (B) (2) of this 51076
section, a physical fitness certificate described in division 51077
(A) (4) of this section is valid for purposes of that division 51078
while the child remains employed in job duties of a similar 51079
nature as the job duties for which the child last was issued an 51080
age and schooling certificate. The superintendent or chief 51081
administrative officer who issues an age and schooling 51082
certificate shall determine whether job duties are similar for 51083
purposes of this division. 51084

(2) A "limited" physical fitness certificate described in 51085
division (A) (4) of this section is valid for one year. 51086

(C) The superintendent of schools or the chief 51087
administrative officer shall require a child who resides out of 51088
this state to file all the information required under division 51089

(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 worker, or proper use of the child's earnings or leisure, or the probability of the child's faithfully carrying out the conditions to which the child agrees as specified in division (A) (2) of this section, and in addition any one of the following groups of facts:

(a) That the child has been a resident of the school district for the last two years, has diligently attended upon instruction at school for the last two years, and is able to read, write, and perform the fundamental operations of arithmetic. These abilities shall be judged by the superintendent.

(b) That the child having been a resident of the school district less than two years, diligently attended upon instruction in school in the district in which the child was a resident next preceding the child's residence in the present district for the last school year preceding the child's removal to the present district, and has diligently attended upon

instruction in the schools of the present district for the 51120
period that the child has been a resident thereof; 51121

(c) That the child has removed to the present school 51122
district since the beginning of the last annual school session, 51123
and that instruction adapted to the child's needs is not 51124
provided in the regular day schools in the district; 51125

(d) That conditions are such that the child must provide 51126
for the child's own support or that the child is needed for the 51127
support or care of parents or for the support or care of 51128
brothers or sisters for whom the parents are unable to provide 51129
and that the child is desirous of working for the support or 51130
care of self or of such parents or siblings and that such child 51131
cannot render such needed support or care by a reasonable effort 51132
outside of school hours; but no age and schooling certificate 51133
shall be granted to a child of this group upon proof of such 51134
facts without written consent given to the superintendent by the 51135
juvenile judge and by the department of job and family services. 51136

(2) In case the certificate is granted under division (A) 51137
(1) of this section, that until reaching the age of eighteen 51138
years the child will diligently attend in addition to part-time 51139
classes, such evening classes as will add to the child's 51140
education for literacy, citizenship, or vocational preparation 51141
which may be made available to the child in the school district 51142
and which the child may be directed to attend by the 51143
superintendent, or in case no such classes are available, that 51144
the child will pursue such reading and study and report monthly 51145
thereon as may be directed by the superintendent. 51146

(B) Beginning July 1, 2016, an age and schooling 51147
certificate may be issued pursuant to this section only to a 51148
child over sixteen years of age who does both of the following: 51149

(1) Upon agreement in writing, by the child and the parents, guardian, or custodian in charge of such child, provides proof acceptable to the superintendent that the conditions in division (A) (1) of this section are met;

(2) Is enrolled in a competency-based instructional program to earn a high school diploma in accordance with the rules adopted by the ~~state board~~ department of education and workforce pursuant to division (C) of this section.

(C) ~~Not later than July 1, 2016, the state board~~ The department, in accordance with Chapter 119. of the Revised Code, shall adopt rules on the requirements for completing a competency-based instructional program that leads to a high school diploma under this section.

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.

Sec. 3332.02. This chapter does not apply to the following categories of courses, schools, or colleges:

(A) Tuition-free courses or schools conducted by employers exclusively for their own employees;

(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 51179
requirement to obtain a certificate by division (E) of that 51180
section; 51181

(C) Schools, colleges, technical colleges, or universities 51182
established by law or chartered by the ~~Ohio board~~ chancellor of
~~regents higher education~~; 51183
51184

(D) Courses of instruction required by law to be approved 51185
or licensed by a state board or agency other than the state 51186
board of career colleges and schools, except that a school so 51187
approved or licensed may apply to the state board of career 51188
colleges and schools for a certificate of registration to be 51189
issued in accordance with this chapter; 51190

(E) Schools for which minimum standards are prescribed by 51191
the ~~state board~~ director of education and workforce pursuant to 51192
division (D) of section 3301.07 of the Revised Code; 51193

(F) Courses of instruction conducted by a public school 51194
district or a combination of public school districts; 51195

(G) Courses of instruction conducted outside the United 51196
States; 51197

(H) Private institutions exempt from regulation under this 51198
chapter as prescribed in section 3333.046 of the Revised Code; 51199

(I) Training courses for employees paid for by their 51200
employers and conducted by outside service providers. 51201

Sec. 3332.03. There is hereby created the state board of 51202
career colleges and schools to consist of the ~~state~~ 51203
~~superintendent of public instruction or an assistant~~ 51204
~~superintendent designated by the superintendent, the chancellor~~ 51205
~~of the Ohio board of regents higher education~~ or a vice 51206

chancellor designated by the chancellor, the director of 51207
education and workforce or the director's designee, and six 51208
members appointed by the governor, with the advice and consent 51209
of the senate. Members' terms of office shall be for five years, 51210
commencing on the twenty-first day of November and ending on the 51211
twentieth day of November. Each member shall hold office from 51212
the date of appointment until the end of the term for which the 51213
member was appointed. 51214

Three of the members appointed by the governor shall have 51215
been engaged for a period of not less than five years 51216
immediately preceding appointment in an executive or managerial 51217
position in a private, trade, technical, or other school subject 51218
to this chapter. One member appointed by the governor shall be a 51219
representative of students and shall have graduated with an 51220
associate or baccalaureate degree, within five years prior to 51221
appointment, from a school subject to this chapter. Two members 51222
appointed by the governor shall be representatives of the 51223
general public and shall have had no affiliation with, or direct 51224
or indirect interest in, schools subject to this chapter for at 51225
least two years prior to appointment. In selecting the 51226
representatives of the general public, the governor shall make 51227
an effort to find individuals with background or experience in 51228
the regulation of commerce, business, or education. The two 51229
members of the board who are representatives of the general 51230
public shall not be affiliated in any way with or have any 51231
direct or indirect interest in any schools subject to this 51232
chapter during their terms. Except for enrollment in a school 51233
subject to this chapter, the member representing students shall 51234
have had no affiliation in any way with, or have any direct or 51235
indirect interest in any school subject to this chapter for at 51236
least two years prior to appointment or during the member's 51237

term. 51238

Any vacancy shall be filled in the manner provided for 51239
original appointment. Any member appointed to fill a vacancy 51240
occurring prior to the expiration of the term for which the 51241
member's predecessor was appointed shall hold office for the 51242
remainder of such term. Any appointed member shall continue in 51243
office subsequent to the expiration date of the member's term 51244
until the member's successor takes office, or until a period of 51245
sixty days has elapsed, whichever occurs first. 51246

Members of the board have full voting rights, except for 51247
the member representing students who shall be a nonvoting 51248
member. Each member of the board appointed by the governor shall 51249
be compensated at the rate established pursuant to division (J) 51250
of section 124.15 of the Revised Code, but shall not receive 51251
step advancements, for those days the member is engaged in the 51252
discharge of official duties. In addition, members appointed by 51253
the governor may be compensated for the expenses necessarily 51254
incurred in the attendance at meetings or in performing other 51255
services for the board. The chairperson of the board shall 51256
annually be elected or determined as follows: 51257

(A) If both members of the board representing the general 51258
public have served on the board for at least one year, the 51259
members shall elect one of these two members as chairperson. If 51260
one of these members declines to be elected or serve, the other 51261
member representing the general public shall be chairperson. If 51262
both members representing the general public decline to be 51263
elected or serve, division (C) of this section shall apply. 51264

(B) If only one member of the board representing the 51265
general public has served on the board for at least one year, 51266
this member shall be chairperson. If this member declines to 51267

serve, division (C) of this section shall apply. 51268

(C) If neither member of the board representing the 51269
general public has served on the board for at least one year or 51270
if this division applies pursuant to division (A) or (B) of this 51271
section, the members of the board shall elect a chairperson from 51272
among any of the voting members of the board who have served on 51273
the board for at least one year. 51274

Sec. 3332.04. The state board of career colleges and 51275
schools may appoint an executive director and such other staff 51276
as may be required for the performance of the board's duties and 51277
provide necessary facilities. In selecting an executive 51278
director, the board shall appoint an individual with a 51279
background or experience in the regulation of commerce, 51280
business, or education. The board may also arrange for services 51281
and facilities to be provided by the ~~state board of education~~ 51282
~~and the Ohio board of regents~~ department of education and 51283
workforce or the department of higher education. All receipts of 51284
the board shall be deposited in the state treasury to the credit 51285
of the occupational licensing and regulatory fund. 51286

Sec. 3333.04. The chancellor of higher education shall: 51287

(A) Make studies of state policy in the field of higher 51288
education and formulate a master plan for higher education for 51289
the state, considering the needs of the people, the needs of the 51290
state, and the role of individual public and private 51291
institutions within the state in fulfilling these needs; 51292

(B) (1) Report annually to the governor and the general 51293
assembly on the findings from the chancellor's studies and the 51294
master plan for higher education for the state; 51295

(2) Report at least semiannually to the general assembly 51296

and the governor the enrollment numbers at each state-assisted institution of higher education. 51297
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(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities; 51299
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(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education; 51301
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(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel; 51304
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(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it. 51310
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For purposes of determining the amounts of any state 51326
instructional subsidies paid to state colleges, universities, 51327
and other state-assisted institutions of higher education, the 51328
chancellor may exclude students enrolled in any program that the 51329
chancellor has recommended for elimination pursuant to this 51330
division except that the chancellor shall not exclude any such 51331
student who enrolled in the program prior to the date on which 51332
the chancellor initially commences to exclude students under 51333
this division. 51334

The chancellor and state colleges, universities, and other 51335
state-assisted institutions of higher education shall jointly 51336
develop a process for determining which existing graduate or 51337
professional programs constitute unnecessary duplication. 51338

(G) Recommend to the state colleges, universities, and 51339
other state-assisted institutions of higher education programs 51340
which should be added to their present programs; 51341

(H) Conduct studies for the state colleges, universities, 51342
and other state-assisted institutions of higher education to 51343
assist them in making the best and most efficient use of their 51344
existing facilities and personnel; 51345

(I) Make recommendations to the governor and general 51346
assembly concerning the development of state-financed capital 51347
plans for higher education; the establishment of new state 51348
colleges, universities, and other state-assisted institutions of 51349
higher education; and the establishment of new programs at the 51350
existing state colleges, universities, and other institutions of 51351
higher education; 51352

(J) Review the appropriation requests of the public 51353
community colleges and the state colleges and universities and 51354

submit to the office of budget and management and to the 51355
chairpersons of the finance committees of the house of 51356
representatives and of the senate the chancellor's 51357
recommendations in regard to the biennial higher education 51358
appropriation for the state, including appropriations for the 51359
individual state colleges and universities and public community 51360
colleges. For the purpose of determining the amounts of 51361
instructional subsidies to be paid to state-assisted colleges 51362
and universities, the chancellor shall define "full-time 51363
equivalent student" by program per academic year. The definition 51364
may take into account the establishment of minimum enrollment 51365
levels in technical education programs below which support 51366
allowances will not be paid. Except as otherwise provided in 51367
this section, the chancellor shall make no change in the 51368
definition of "full-time equivalent student" in effect on 51369
November 15, 1981, which would increase or decrease the number 51370
of subsidy-eligible full-time equivalent students, without first 51371
submitting a fiscal impact statement to the president of the 51372
senate, the speaker of the house of representatives, the 51373
legislative service commission, and the director of budget and 51374
management. The chancellor shall work in close cooperation with 51375
the director of budget and management in this respect and in all 51376
other matters concerning the expenditures of appropriated funds 51377
by state colleges, universities, and other institutions of 51378
higher education. 51379

(K) Seek the cooperation and advice of the officers and 51380
trustees of both public and private colleges, universities, and 51381
other institutions of higher education in the state in 51382
performing the chancellor's duties and making the chancellor's 51383
plans, studies, and recommendations; 51384

(L) Appoint advisory committees consisting of persons 51385

associated with public or private secondary schools, members of 51386
the state board of education, or personnel of the ~~state~~ 51387
department of education and workforce; 51388

(M) Appoint advisory committees consisting of college and 51389
university personnel, or other persons knowledgeable in the 51390
field of higher education, or both, in order to obtain their 51391
advice and assistance in defining and suggesting solutions for 51392
the problems and needs of higher education in this state; 51393

(N) Approve or disapprove all new degrees and new degree 51394
programs at all state colleges, universities, and other state- 51395
assisted institutions of higher education. 51396

When considering approval of a new degree or degree 51397
program for a state institution of higher education, as defined 51398
in section 3345.011 of the Revised Code, the chancellor shall 51399
take into account the extent to which the degree or degree 51400
program aligns with the state's workforce development 51401
priorities. 51402

(O) Adopt such rules as are necessary to carry out the 51403
chancellor's duties and responsibilities. The rules shall 51404
prescribe procedures for the chancellor to follow when taking 51405
actions associated with the chancellor's duties and 51406
responsibilities and shall indicate which types of actions are 51407
subject to those procedures. The procedures adopted under this 51408
division shall be in addition to any other procedures prescribed 51409
by law for such actions. However, if any other provision of the 51410
Revised Code or rule adopted by the chancellor prescribes 51411
different procedures for such an action, the procedures adopted 51412
under this division shall not apply to that action to the extent 51413
they conflict with the procedures otherwise prescribed by law. 51414
The procedures adopted under this division shall include at 51415

least the following:	51416
(1) Provision for public notice of the proposed action;	51417
(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;	51418 51419 51420
(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	51421 51422 51423
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	51424 51425 51426
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	51427 51428
(6) A timeline for the process described in divisions (O) (1) to (5) of this section.	51429 51430
(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;	51431 51432 51433 51434
(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;	51435 51436 51437 51438
(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;	51439 51440 51441 51442 51443

(S) Conduct enrollment audits of state-supported 51444
institutions of higher education; 51445

(T) Appoint consortia of college and university personnel 51446
to advise or participate in the development and operation of 51447
statewide collaborative efforts, including the Ohio 51448
supercomputer center, the Ohio academic resources network, 51449
OhioLink, and the Ohio learning network. For each consortium, 51450
the chancellor shall designate a college or university to serve 51451
as that consortium's fiscal agent, financial officer, and 51452
employer. Any funds appropriated for the consortia shall be 51453
distributed to the fiscal agents for the operation of the 51454
consortia. A consortium shall follow the rules of the college or 51455
university that serves as its fiscal agent. The chancellor may 51456
restructure existing consortia, appointed under this division, 51457
in accordance with procedures adopted under divisions (O) (1) to 51458
(6) of this section. 51459

(U) Adopt rules establishing advisory duties and 51460
responsibilities of the board of regents not otherwise 51461
prescribed by law; 51462

(V) Respond to requests for information about higher 51463
education from members of the general assembly and direct staff 51464
to conduct research or analysis as needed for this purpose. 51465

Sec. 3333.041. (A) On or before the last day of December 51466
of each year, the chancellor of higher education shall submit to 51467
the governor and, in accordance with section 101.68 of the 51468
Revised Code, the general assembly a report or reports 51469
concerning all of the following: 51470

(1) The status of graduates of Ohio school districts at 51471
state institutions of higher education during the twelve-month 51472

period ending on the thirtieth day of September of the current 51473
calendar year. The report shall list, by school district, the 51474
number of graduates of each school district who attended a state 51475
institution of higher education and the percentage of each 51476
district's graduates enrolled in a state institution of higher 51477
education during the reporting period who were required during 51478
such period by the college or university, as a prerequisite to 51479
enrolling in those courses generally required for first-year 51480
students, to enroll in a remedial course in English, including 51481
composition or reading, mathematics, and any other area 51482
designated by the chancellor. The chancellor also shall make the 51483
information described in division (A) (1) of this section 51484
available to the board of education of each city, exempted 51485
village, and local school district. 51486

Each state institution of higher education shall, by the 51487
first day of November of each year, submit to the chancellor in 51488
the form specified by the chancellor the information the 51489
chancellor requires to compile the report. 51490

(2) The following information with respect to the Ohio 51491
tuition trust authority: 51492

(a) The name of each investment manager that is a minority 51493
business enterprise or a women's business enterprise with which 51494
the chancellor contracts; 51495

(b) The amount of assets managed by investment managers 51496
that are minority business enterprises or women's business 51497
enterprises, expressed as a percentage of assets managed by 51498
investment managers with which the chancellor has contracted; 51499

(c) Efforts by the chancellor to increase utilization of 51500
investment managers that are minority business enterprises or 51501

women's business enterprises. 51502

(3) The chancellor's strategy in assigning choose Ohio 51503
first scholarships, as established under section 3333.61 of the 51504
Revised Code, among state universities and colleges and how the 51505
actual awards fit that strategy. 51506

(4) The academic and economic impact of the Ohio co- 51507
op/internship program established under section 3333.72 of the 51508
Revised Code. At a minimum, the report shall include the 51509
following: 51510

(a) Progress and performance metrics for each initiative 51511
that received an award in the previous fiscal year; 51512

(b) Economic indicators of the impact of each initiative, 51513
and all initiatives as a whole, on the regional economies and 51514
the statewide economy; 51515

(c) The chancellor's strategy in allocating awards among 51516
state institutions of higher education and how the actual awards 51517
fit that strategy. 51518

(B) On or before the fifteenth day of February of each 51519
year, the ~~director~~chancellor shall submit to the governor and, 51520
in accordance with section 101.68 of the Revised Code, the 51521
general assembly a report concerning aggregate academic growth 51522
data for students assigned to graduates of teacher preparation 51523
programs approved under section 3333.048 of the Revised Code who 51524
teach English language arts or mathematics in any of grades four 51525
to eight in a public school in Ohio. For this purpose, the 51526
~~director~~chancellor shall use the value-added progress dimension 51527
prescribed by section 3302.021 of the Revised Code or the 51528
alternative student academic progress measure if adopted under 51529
division (C) (1) (e) of section 3302.03 of the Revised Code. The 51530

~~director-chancellor~~ shall aggregate the data by graduating class 51531
for each approved teacher preparation program, except that if a 51532
particular class has ten or fewer graduates to which this 51533
division applies, the ~~director-chancellor~~ shall report the data 51534
for a group of classes over a three-year period. In no case 51535
shall the report identify any individual graduate. The 51536
department of education and workforce shall share any data 51537
necessary for the report with the ~~director-chancellor~~. 51538

(C) As used in this section: 51539

(1) "Minority business enterprise" has the same meaning as 51540
in section 122.71 of the Revised Code. 51541

(2) "State institution of higher education" and "state 51542
university" have the same meanings as in section 3345.011 of the 51543
Revised Code. 51544

(3) "State university or college" has the same meaning as 51545
in section 3345.12 of the Revised Code. 51546

(4) "Women's business enterprise" means a business, or a 51547
partnership, corporation, limited liability company, or joint 51548
venture of any kind, that is owned and controlled by women who 51549
are United States citizens and residents of this state. 51550

Sec. 3333.048. (A) ~~Not later than one year after October~~ 51551
~~16, 2009, the~~ The chancellor of higher education and the 51552
~~superintendent of public instruction~~ director of education and 51553
workforce jointly shall do the following: 51554

(1) In accordance with Chapter 119. of the Revised Code, 51555
establish metrics and educator preparation programs for the 51556
preparation of educators and other school personnel and the 51557
institutions of higher education that are engaged in their 51558
preparation. The metrics and educator preparation programs shall 51559

be aligned with the standards and qualifications for educator 51560
licenses adopted by the state board of education under section 51561
3319.22 of the Revised Code and the requirements of the Ohio 51562
teacher residency program established under section 3319.223 of 51563
the Revised Code. The metrics and educator preparation programs 51564
also shall ensure that educators and other school personnel are 51565
adequately prepared to use the value-added progress dimension 51566
prescribed by section 3302.021 of the Revised Code or the 51567
alternative student academic progress measure if adopted under 51568
division (C) (1) (e) of section 3302.03 of the Revised Code. 51569

(2) Provide for the inspection of institutions of higher 51570
education desiring to prepare educators and other school 51571
personnel. 51572

(B) ~~Not later than one year after October 16, 2009, the~~ 51573
The chancellor shall approve institutions of higher education 51574
engaged in the preparation of educators and other school 51575
personnel that maintain satisfactory training procedures and 51576
records of performance, as determined by the chancellor. 51577

(C) If the metrics established under division (A) (1) of 51578
this section require an institution of higher education that 51579
prepares teachers to satisfy the standards of an independent 51580
accreditation organization, the chancellor shall permit each 51581
institution to satisfy the standards of any applicable national 51582
educator preparation accrediting agency recognized by the United 51583
States department of education. 51584

(D) The metrics and educator preparation programs 51585
established under division (A) (1) of this section may require an 51586
institution of higher education, as a condition of approval by 51587
the chancellor, to make changes in the curricula of its 51588
preparation programs for educators and other school personnel. 51589

Notwithstanding division (E) of section 119.03 and 51590
division (A)(1) of section 119.04 of the Revised Code, any 51591
metrics, educator preparation programs, rules, and regulations, 51592
or any amendment or rescission of such metrics, educator 51593
preparation programs, rules, and regulations, adopted under this 51594
section that necessitate institutions offering preparation 51595
programs for educators and other school personnel approved by 51596
the chancellor to revise the curricula of those programs shall 51597
not be effective for at least one year after the first day of 51598
January next succeeding the publication of the said change. 51599

Each institution shall allocate money from its existing 51600
revenue sources to pay the cost of making the curricular 51601
changes. 51602

(E) The chancellor shall notify the state board of the 51603
metrics and educator preparation programs established under 51604
division (A)(1) of this section and the institutions of higher 51605
education approved under division (B) of this section. The state 51606
board shall publish the metrics, educator preparation programs, 51607
and approved institutions with the standards and qualifications 51608
for each type of educator license. 51609

(F) The graduates of educator preparation programs 51610
approved by the chancellor shall be licensed by the state board 51611
in accordance with the standards and qualifications adopted 51612
under section 3319.22 of the Revised Code. 51613

Sec. 3333.0411. Not later than December 31, 2014, and 51614
annually thereafter, the chancellor of higher education shall 51615
report for each approved teacher preparation program, the number 51616
and percentage of all graduates of the program who were rated at 51617
each of the performance levels prescribed by division (B)(1) of 51618
section 3319.112 of the Revised Code on an evaluation conducted 51619

in accordance with section 3319.111 of the Revised Code in the 51620
previous school year. 51621

In no case shall the report identify any individual 51622
graduate. The department of education and workforce shall share 51623
any data necessary for the report with the chancellor. 51624

Sec. 3333.0415. ~~Beginning in 2018, the~~ The chancellor of 51625
higher education, in collaboration with the department of 51626
education and workforce, shall prepare an annual report 51627
regarding the progress the state is making in increasing the 51628
percentage of adults in the state with a college degree, 51629
industry certificate, or other postsecondary credential to 51630
sixty-five per cent by the year 2025. The chancellor shall 51631
submit an electronic copy of the report to the governor, the 51632
president and minority leader of the senate, and the speaker and 51633
minority leader of the house of representatives. 51634

Sec. 3333.07. (A) Colleges, universities, and other 51635
institutions of higher education which receive state assistance, 51636
but are not supported primarily by the state, shall submit to 51637
the chancellor of higher education such accounting of the 51638
expenditure of state funds at such time and in such form as the 51639
chancellor prescribes. 51640

(B) No state institution of higher education shall 51641
establish a new branch or academic center without the approval 51642
of the chancellor. 51643

(C) No state institution of higher education shall offer a 51644
new degree or establish a new degree program without the 51645
approval of the chancellor. No degree approval shall be given 51646
for a technical education program unless such program is offered 51647
by a state assisted university, a university branch, a technical 51648

college, or a community college. 51649

(D) Any state college, university, or other state assisted 51650
institution of higher education not complying with a 51651
recommendation of the chancellor pursuant to division (F) or (G) 51652
of section 3333.04 of the Revised Code shall so notify the 51653
chancellor in writing within one hundred twenty days after 51654
receipt of the recommendation, stating the reasons why it cannot 51655
or should not comply. 51656

(E) The officers, trustees, and employees of all 51657
institutions of higher education which are state supported or 51658
state assisted shall cooperate with the chancellor in supplying 51659
information regarding their institutions, and advising and 51660
assisting the chancellor on matters of higher education in this 51661
state in every way possible when so requested by the chancellor. 51662

(F) Persons associated with the public school systems in 51663
this state, ~~and the personnel of the state department of~~ 51664
~~education, and members of the state board of education and~~ 51665
workforce shall provide such data about high school students as 51666
are requested by the chancellor to aid in the development of 51667
state higher education plans. 51668

Sec. 3333.162. (A) As used in this section, "state 51669
institution of higher education" means an institution of higher 51670
education as defined in section 3345.12 of the Revised Code. 51671

(B) ~~By April 15, 2007, the~~ The chancellor of higher 51672
education, in consultation with the department of education and 51673
workforce, public adult and secondary career-technical education 51674
institutions, ~~and~~ state institutions of higher education, shall 51675
establish criteria, policies, and procedures that enable 51676
students to transfer agreed upon technical courses completed 51677

through an adult career-technical education institution, a 51678
public secondary career-technical institution, or a state 51679
institution of higher education to a state institution of higher 51680
education without unnecessary duplication or institutional 51681
barriers. The courses to which the criteria, policies, and 51682
procedures apply shall be those that adhere to recognized 51683
industry standards and equivalent coursework common to the 51684
secondary career pathway and adult career-technical education 51685
system and regionally accredited state institutions of higher 51686
education. Where applicable, the policies and procedures shall 51687
build upon the articulation agreement and transfer initiative 51688
course equivalency system required by section 3333.16 of the 51689
Revised Code. 51690

Sec. 3333.167. (A) As used in this section: 51691

(1) "Approved course" means a career-technical education 51692
course offered by a career-technical planning district to which 51693
either of the following applies: 51694

(a) The course complies with the criteria, policies, and 51695
procedures established under section 3333.162 of the Revised 51696
Code. 51697

(b) The course is approved through an articulation 51698
agreement that a career-technical planning district has entered 51699
into with a state institution of higher education. 51700

(2) "Career-technical planning district" has the same 51701
meaning as in section 3317.023 of the Revised Code. 51702

(3) "State institution of higher education" has the same 51703
meaning as in section 3345.011 of the Revised Code. 51704

(B) The chancellor of higher education, in consultation 51705
with the ~~superintendent of public instruction~~director of 51706

education and workforce, shall develop and, if determined 51707
appropriate by the chancellor and the ~~state-~~ 51708
~~superintendent~~director, implement a statewide plan that permits 51709
a high school student enrolled in a career-technical planning 51710
district to receive post-secondary credit on a college 51711
transcript in a manner comparable to the college credit plus 51712
program established under Chapter 3365. of the Revised Code for 51713
the completion of an approved course. 51714

(C) The statewide plan developed under division (B) of 51715
this section shall do all of the following: 51716

(1) Identify and define the criteria, policies, 51717
procedures, and timelines necessary for a high school student to 51718
receive post-secondary credit on a college transcript for 51719
completing an approved course; 51720

(2) Identify any technology solutions or statewide data 51721
information systems necessary to streamline and facilitate the 51722
electronic exchange of student data to improve the credit 51723
verification process for students, career-technical planning 51724
districts, and state institutions of higher education; 51725

(3) Identify any regional or national accreditation 51726
requirements or state policy barriers that currently exist that 51727
need to be considered in developing the statewide plan; 51728

(4) If the chancellor and the ~~state superintendent-~~ 51729
director determine it appropriate to implement the statewide 51730
plan, recommend a date and the method by which the statewide 51731
plan shall be implemented. 51732

(D) The chancellor shall convene a group of stakeholders 51733
to assist in preparing the plan under division (B) of this 51734
section. The group shall include a representative from each of 51735

the following: 51736

(1) The Ohio association of career-technical education; 51737

(2) The Ohio association of career-technical 51738
superintendents; 51739

(3) The Ohio association of compact and comprehensive 51740
career-technical schools; 51741

(4) The Ohio association of community colleges; 51742

(5) The inter-university council of Ohio; 51743

(6) The association of independent colleges and 51744
universities of Ohio; 51745

(7) Any other stakeholders determined appropriate by the 51746
chancellor. 51747

(E) Not later than June 30, 2020, the chancellor shall 51748
submit to the governor, the president and minority leader of the 51749
senate, and the speaker and minority leader of the house of 51750
representatives, the completed plan developed under division (B) 51751
of this section. 51752

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of 51753
the Revised Code, "term" and "academic year" mean "term" and 51754
"academic year" as defined by the chancellor of higher 51755
education. 51756

The chancellor shall establish and administer an academic 51757
scholarship program. Under the program, a total of one thousand 51758
new scholarships shall be awarded annually in the amount of not 51759
less than two thousand dollars per award. At least one such new 51760
scholarship shall be awarded annually to a student in each 51761
public high school and joint vocational school and each 51762

nonpublic high school for which the ~~state board~~ director of 51763
education and workforce prescribes minimum standards in 51764
accordance with section 3301.07 of the Revised Code. 51765

To be eligible for the award of a scholarship, a student 51766
shall be a resident of Ohio and shall be enrolled as a full-time 51767
undergraduate student in an Ohio institution of higher education 51768
that meets the requirements of Title VI of the "Civil Rights Act 51769
of 1964" and is state-assisted, is nonprofit and holds a 51770
certificate of authorization issued under section 1713.02 of the 51771
Revised Code, is a private institution exempt from regulation 51772
under Chapter 3332. of the Revised Code as prescribed in section 51773
3333.046 of the Revised Code, or holds a certificate of 51774
registration and program authorization issued under section 51775
3332.05 of the Revised Code and awards an associate or 51776
bachelor's degree. Students who attend an institution holding a 51777
certificate of registration shall be enrolled in a program 51778
leading to an associate or bachelor's degree for which associate 51779
or bachelor's degree program the institution has program 51780
authorization to offer the program issued under section 3332.05 51781
of the Revised Code. 51782

"Resident" and "full-time student" shall be defined in 51783
rules adopted by the chancellor. 51784

The chancellor shall award the scholarships on the basis 51785
of a formula designed by the chancellor to identify students 51786
with the highest capability for successful college study. The 51787
formula shall weigh the factor of achievement, as measured by 51788
grade point average, and the factor of ability, as measured by 51789
performance on a competitive examination specified by the 51790
chancellor. Students receiving scholarships shall be known as 51791
"Ohio academic scholars." 51792

Sec. 3333.31. (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall not carry with it any of the legal connotations appurtenant thereto. Rather, except as provided in divisions (B), (C), (D), (F), and (G) of this section, for such purposes, the rule promulgated under this section shall have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education, and may prescribe presumptive rules, rebuttable or conclusive, as to such purpose based upon the source or sources of support of the student, residence prior to first enrollment, evidence of intention to remain in the state after completion of studies, or such other factors as the chancellor deems relevant.

(B) The rules of the chancellor for determining student residency shall grant residency status to a veteran and to the veteran's spouse and any dependent of the veteran, if both of the following conditions are met:

(1) The veteran either:

(a) Served one or more years on active military duty and was honorably discharged or received a medical discharge that was related to the military service;

(b) Was killed while serving on active military duty or

has been declared to be missing in action or a prisoner of war. 51823

(2) If the veteran seeks residency status for tuition 51824
surcharge purposes, the veteran has established domicile in this 51825
state as of the first day of a term of enrollment in an 51826
institution of higher education. If the spouse or a dependent of 51827
the veteran seeks residency status for tuition surcharge 51828
purposes, the veteran and the spouse or dependent seeking 51829
residency status have established domicile in this state as of 51830
the first day of a term of enrollment in an institution of 51831
higher education, except that if the veteran was killed while 51832
serving on active military duty, has been declared to be missing 51833
in action or a prisoner of war, or is deceased after discharge, 51834
only the spouse or dependent seeking residency status shall be 51835
required to have established domicile in accordance with this 51836
division. 51837

(C) The rules of the chancellor for determining student 51838
residency shall grant residency status to both of the following: 51839

(1) A veteran who is the recipient of federal veterans' 51840
benefits under the "All-Volunteer Force Educational Assistance 51841
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 51842
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 51843
successor program, if the veteran meets all of the following 51844
criteria: 51845

(a) The veteran served at least ninety days on active 51846
duty. 51847

(b) The veteran enrolls in a state institution of higher 51848
education, as defined in section 3345.011 of the Revised Code. 51849

(c) The veteran lives in the state as of the first day of 51850
a term of enrollment in the state institution of higher 51851

education. 51852

(2) A person who is the recipient of the federal Marine 51853
Gunnery Sergeant John David Fry scholarship or transferred 51854
federal veterans' benefits under any of the programs described 51855
in division (C) (1) of this section, if the person meets both of 51856
the following criteria: 51857

(a) The person enrolls in a state institution of higher 51858
education. 51859

(b) The person lives in the state as of the first day of a 51860
term of enrollment in the state institution of higher education. 51861

In order for a person using transferred federal veterans' 51862
benefits to qualify under division (C) (2) of this section, the 51863
veteran who transferred the benefits must have served at least 51864
ninety days on active duty or the service member who transferred 51865
the benefits must be on active duty. 51866

(D) The rules of the chancellor for determining student 51867
residency shall grant residency status to a service member who 51868
is on active duty and to the service member's spouse and any 51869
dependent of the service member while the service member is on 51870
active duty. In order to qualify under division (D) of this 51871
section, the rules shall require the student seeking in-state 51872
tuition rates to live in the state as of the first day of a term 51873
of enrollment in the state institution of higher education, but 51874
shall not require the service member or the service member's 51875
spouse or dependent to establish domicile in this state as of 51876
the first day of a term of enrollment in an institution of 51877
higher education. 51878

(E) The rules of the chancellor for determining student 51879
residency shall not deny residency status to a student who is 51880

either a dependent child of a parent, or the spouse of a person 51881
who, as of the first day of a term of enrollment in an 51882
institution of higher education, has accepted full-time 51883
employment and established domicile in this state for reasons 51884
other than gaining the benefit of favorable tuition rates. 51885

Documentation of full-time employment and domicile shall 51886
include both of the following documents: 51887

(1) A sworn statement from the employer or the employer's 51888
representative on the letterhead of the employer or the 51889
employer's representative certifying that the parent or spouse 51890
of the student is employed full-time in Ohio; 51891

(2) A copy of the lease under which the parent or spouse 51892
is the lessee and occupant of rented residential property in the 51893
state, a copy of the closing statement on residential real 51894
property of which the parent or spouse is the owner and occupant 51895
in this state or, if the parent or spouse is not the lessee or 51896
owner of the residence in which the parent or spouse has 51897
established domicile, a letter from the owner of the residence 51898
certifying that the parent or spouse resides at that residence. 51899

Residency officers may also evaluate, in accordance with 51900
the chancellor's rule, requests for immediate residency status 51901
from dependent students whose parents are not living and whose 51902
domicile follows that of a legal guardian who has accepted full- 51903
time employment and established domicile in the state for 51904
reasons other than gaining the benefit of favorable tuition 51905
rates. 51906

(F) (1) The rules of the chancellor for determining student 51907
residency shall grant residency status to a person who enrolls 51908
in an institution of higher education and establishes domicile 51909

in this state, regardless of the student's residence prior to 51910
that enrollment and satisfies either of the following 51911
conditions: 51912

(a) The person, while a resident of this state for state 51913
subsidy and tuition surcharge purposes, graduated from a high 51914
school in this state or completed the final year of instruction 51915
at home as authorized under section ~~3321.04~~ 3321.042 of the 51916
Revised Code. 51917

(b) The person meets all of the following criteria: 51918

(i) The person officially withdrew from a school in this 51919
state while the person was a resident of this state for state 51920
subsidy and tuition surcharge purposes. 51921

(ii) The person has not received a high school diploma or 51922
honors diploma awarded under section 3313.61, 3313.611, 51923
3313.612, or 3325.08 of the Revised Code or a high school 51924
diploma awarded by a school located in another state or country. 51925

(iii) The person, while a resident of this state for state 51926
subsidy and tuition surcharge purposes, both took a high school 51927
equivalency test and was awarded a certificate of high school 51928
equivalence. 51929

(2) The rules of the chancellor for determining student 51930
residency shall not grant residency status to an alien if the 51931
alien is not also an immigrant or a nonimmigrant. 51932

(G) The rules of the chancellor for determining student 51933
residency status shall grant residency status to a person to 51934
whom all of the following apply: 51935

(1) The person, while not a resident of this state for 51936
state subsidy and tuition surcharge purposes, lives in this 51937

state and completes a bachelor's degree program at an 51938
institution of higher education in this state. 51939

(2) The person, upon completing that bachelor's degree 51940
program, immediately enrolls in a graduate degree program, as 51941
determined appropriate by the chancellor, offered at any state 51942
institution of higher education. 51943

(3) The person, while enrolled in the graduate degree 51944
program, resides in this state. 51945

The chancellor's rules adopted under this section shall 51946
define "immediately" for the purposes of division (G) of this 51947
section. 51948

(H) As used in this section: 51949

(1) "Dependent," "domicile," "institution of higher 51950
education," and "residency officer" have the meanings ascribed 51951
in the chancellor's rules adopted under this section. 51952

(2) "Alien" means a person who is not a United States 51953
citizen or a United States national. 51954

(3) "Immigrant" means an alien who has been granted the 51955
right by the United States bureau of citizenship and immigration 51956
services to reside permanently in the United States and to work 51957
without restrictions in the United States. 51958

(4) "Nonimmigrant" means an alien who has been granted the 51959
right by the United States bureau of citizenship and immigration 51960
services to reside temporarily in the United States. 51961

(5) "Veteran" means any person who has completed service 51962
in the uniformed services, as defined in section 3511.01 of the 51963
Revised Code. 51964

(6) "Service member" has the same meaning as in section 51965
5903.01 of the Revised Code. 51966

(7) "Certificate of high school equivalence" means either 51967
of the following: 51968

(a) A certificate of high school equivalence awarded by 51969
the department of education and workforce under division (A) of 51970
section 3301.80 of the Revised Code; 51971

(b) The equivalent of a certificate of high school 51972
equivalence awarded by the state board of education under former 51973
law, as defined in division (C)(1) of section 3301.80 of the 51974
Revised Code. 51975

Sec. 3333.34. (A) As used in this section: 51976

(1) "Pre-college stackable certificate" means a 51977
certificate earned before an adult is enrolled in an institution 51978
of higher education that can be transferred to college credit 51979
based on standards established by the chancellor of higher 51980
education and the department of education and workforce. 51981

(2) "College-level certificate" means a certificate earned 51982
while an adult is enrolled in an institution of higher education 51983
that can be transferred to college credit based on standards 51984
established by the chancellor and the department ~~of education~~. 51985

(B) The chancellor and the department ~~of education~~ shall 51986
create a system of pre-college stackable certificates to provide 51987
a clear and accessible path for adults seeking to advance their 51988
education. The system shall do all of the following: 51989

(1) Be uniform across the state; 51990

(2) Be available from an array of providers, including 51991
adult career centers, institutions of higher education, and 51992

employers;	51993
(3) Be structured to respond to the expectations of both the workplace and higher education;	51994 51995
(4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs;	51996 51997 51998
(5) Establish standards for earning pre-college certificates;	51999 52000
(6) Establish transferability of pre-college certificates to college credit.	52001 52002
(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.	52003 52004 52005 52006
Sec. 3333.35. The state board <u>department of education and</u> <u>workforce</u> and the chancellor of higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, <u>and enhance</u> the college credit plus program in accordance with Chapter 3365. of the Revised Code, and. The state board of education shall strive to enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code.	52007 52008 52009 52010 52011 52012 52013 52014 52015
Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the Revised Code, the following words and terms have the following meanings unless the context indicates a different meaning or intent:	52016 52017 52018 52019
(A) "Cost of attendance" means all costs of a student	52020

incurred in connection with a program of study at an eligible 52021
institution, as determined by the institution, including 52022
tuition; instructional fees; room and board; books, computers, 52023
and supplies; and other related fees, charges, and expenses. 52024

(B) "Eligible institution" means one of the following: 52025

(1) A state-assisted post-secondary educational 52026
institution within the state; 52027

(2) A nonprofit institution of higher education within the 52028
state that holds a certificate of authorization issued under 52029
Chapter 1713. of the Revised Code, that is accredited by the 52030
appropriate regional and, when appropriate, professional 52031
accrediting associations within whose jurisdiction it falls, is 52032
authorized to grant a bachelor's degree or higher, and satisfies 52033
other conditions as set forth in the policy guidelines; 52034

(3) A private institution exempt from regulation under 52035
Chapter 3332. of the Revised Code as prescribed in section 52036
3333.046 of the Revised Code. 52037

(C) "Eligible student" means either of the following: 52038

(1) An undergraduate student who meets all of the 52039
following: 52040

(a) Is a resident of this state; 52041

(b) Has graduated from any Ohio secondary school for which 52042
~~the state board~~ director of education and workforce prescribes 52043
minimum standards in accordance with section 3301.07 of the 52044
Revised Code; 52045

(c) Is attending and in good standing, or has been 52046
accepted for attendance, at any eligible institution as a full- 52047
time student to pursue a bachelor's degree. 52048

(2) A graduate student who is a resident of this state, 52049
and is attending and in good standing, or has been accepted for 52050
attendance, at any eligible institution. 52051

(D) "Fellowship" or "fellowship program" means the Ohio 52052
priority needs fellowship created by sections 3333.37 to 52053
3333.375 of the Revised Code. 52054

(E) "Full-time student" has the meaning as defined by rule 52055
of the chancellor of higher education. 52056

(F) "Ohio outstanding scholar" means a student who is the 52057
recipient of a scholarship under sections 3333.37 to 3333.375 of 52058
the Revised Code. 52059

(G) "Policy guidelines" means the rules adopted by the 52060
chancellor pursuant to section 3333.374 of the Revised Code. 52061

(H) "Priority needs fellow" means a student who is the 52062
recipient of a fellowship under sections 3333.37 to 3333.375 of 52063
the Revised Code. 52064

(I) "Priority needs field of study" means those academic 52065
majors and disciplines as determined by the chancellor that 52066
support the purposes and intent of sections 3333.37 to 3333.375 52067
of the Revised Code as described in section 3333.371 of the 52068
Revised Code. 52069

(J) "Scholarship" or "scholarship program" means the Ohio 52070
outstanding scholarship created by sections 3333.37 to 3333.375 52071
of the Revised Code. 52072

Sec. 3333.39. The chancellor of higher education and the 52073
~~superintendent of public instruction~~ department of education and 52074
workforce shall establish and administer the teach Ohio program 52075
to promote and encourage citizens of this state to consider 52076

teaching as a profession. The program shall include all of the 52077
following: 52078

(A) A statewide program administered by a nonprofit 52079
corporation that has been in existence for at least fifteen 52080
years with demonstrated results in encouraging high school 52081
students from economically disadvantaged groups to enter the 52082
teaching profession. The chancellor and ~~superintendent~~the 52083
department jointly shall select the nonprofit corporation. 52084

(B) The Ohio teaching fellows program established under 52085
sections 3333.391 and 3333.392 of the Revised Code; 52086

(C) The Ohio teacher residency program established under 52087
section 3319.223 of the Revised Code; 52088

(D) Alternative licensure procedures established under 52089
section 3319.26 of the Revised Code; 52090

(E) Any other program as identified by the chancellor and 52091
the ~~superintendent~~ department. 52092

Sec. 3333.391. (A) As used in this section and in section 52093
3333.392 of the Revised Code: 52094

(1) "Academic year" shall be as defined by the chancellor 52095
of higher education. 52096

(2) "Hard-to-staff school" and "hard-to-staff subject" 52097
shall be as defined by the department of education and 52098
workforce. 52099

(3) "Parent" means the parent, guardian, or custodian of a 52100
qualified student. 52101

(4) "Qualified service" means teaching at a qualifying 52102
school. 52103

(5) "Qualifying school" means a hard-to-staff school 52104
district building or a school district building that has a 52105
persistently low performance rating, as determined jointly by 52106
the chancellor and ~~superintendent of public instruction~~ the 52107
department of education and workforce, under section 3302.03 of 52108
the Revised Code at the time the recipient becomes employed by 52109
the district. 52110

(B) If the chancellor of higher education determines that 52111
sufficient funds are available from general revenue fund 52112
appropriations made to the department of higher education or to 52113
the chancellor, the chancellor and the ~~superintendent of public~~
~~instruction~~ department of education and workforce jointly may 52114
develop and agree on a plan for the Ohio teaching fellows 52115
program to promote and encourage high school seniors to enter 52116
and remain in the teaching profession. Upon agreement of such a 52117
plan, the chancellor shall establish and administer the program 52118
in conjunction with the ~~superintendent~~ department of education
and workforce and with the cooperation of teacher training 52121
institutions. Under the program, the chancellor annually shall 52122
provide scholarships to students who commit to teaching in a 52123
qualifying school for a minimum of four years upon graduation 52124
from a teacher training program at a state institution of higher 52125
education or an Ohio nonprofit institution of higher education 52126
that has a certificate of authorization under Chapter 1713. of 52127
the Revised Code. The scholarships shall be for up to four years 52128
at the undergraduate level at an amount determined by the 52129
chancellor based on state appropriations. 52130

(C) The chancellor shall adopt a competitive process for 52131
awarding scholarships under the teaching fellows program, which 52132
shall include minimum grade point average and scores on national 52133
standardized tests for college admission. The process shall also 52134

give additional consideration to all of the following: 52135

(1) A person who has participated in the program described 52136
in division (A) of section 3333.39 of the Revised Code; 52137

(2) A person who plans to specialize in teaching students 52138
with special needs; 52139

(3) A person who plans to teach in the disciplines of 52140
science, technology, engineering, or mathematics. 52141

The chancellor shall require that all applicants to the 52142
teaching fellows program shall file a statement of service 52143
status in compliance with section 3345.32 of the Revised Code, 52144
if applicable, and that all applicants have not been convicted 52145
of, plead guilty to, or adjudicated a delinquent child for any 52146
violation listed in section 3333.38 of the Revised Code. 52147

(D) Teaching fellows shall complete the four-year teaching 52148
commitment within not more than seven years after graduating 52149
from the teacher training program. Failure to fulfill the 52150
commitment shall convert the scholarship into a loan to be 52151
repaid under section 3333.392 of the Revised Code. 52152

(E) The chancellor shall adopt rules in accordance with 52153
Chapter 119. of the Revised Code to administer this section and 52154
section 3333.392 of the Revised Code. 52155

Sec. 3333.43. This section does not apply to any 52156
baccalaureate degree program that is a cooperative education 52157
program, as defined in section 3333.71 of the Revised Code. 52158

(A) The chancellor of higher education shall require all 52159
state institutions of higher education that offer baccalaureate 52160
degrees, as a condition of reauthorization for certification of 52161
each baccalaureate program offered by the institution, to submit 52162

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;

(2) International baccalaureate program credit;

(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;

(4) Completion of coursework during summer sessions;

(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.

(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.

(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. 52191

(D) Each state institution of higher education required to 52192
submit statements under this section shall post its three-year 52193
option on its web site and also provide that information to the 52194
department of education and workforce. The department shall 52195
distribute that information to the superintendent, high school 52196
principal, and guidance counselor, or equivalents, of each 52197
school district, community school established under Chapter 52198
3314. of the Revised Code, and STEM school established under 52199
Chapter 3326. of the Revised Code. 52200

(E) Nothing in this section requires an institution to 52201
take any action that would violate the requirements of any 52202
independent association accrediting baccalaureate degree 52203
programs. 52204

Sec. 3333.66. (A) (1) Except as provided in division (A) (2) 52205
of this section, in each academic year, no student who receives 52206
a choose Ohio first scholarship shall receive less than one 52207
thousand five hundred dollars or more than one-half of the 52208
highest in-state undergraduate instructional and general fees 52209
charged by all state universities. For this purpose, if Miami 52210
university is implementing the pilot tuition restructuring plan 52211
originally recognized in Am. Sub. H.B. 95 of the 125th general 52212
assembly, that university's instructional and general fees shall 52213
be considered to be the average full-time in-state undergraduate 52214
instructional and general fee amount after taking into account 52215
the Ohio resident and Ohio leader scholarships and any other 52216
credit provided to all Ohio residents. 52217

(2) The chancellor of higher education may authorize a 52218
state university or college or a nonpublic Ohio institution of 52219
higher education to award a choose Ohio first scholarship in the 52220

amount of not less than five hundred dollars but not more than 52221
one-half of the highest in-state undergraduate instructional and 52222
general fees charged by all state universities to a student 52223
enrolled in a certificate program designated as an eligible 52224
program by the chancellor. 52225

(3) A student receiving multiple awards under division (A) 52226
of this section may not exceed the maximum permitted amount for 52227
each individual award. 52228

(B) The general assembly intends that money appropriated 52229
for the choose Ohio first scholarship program in each fiscal 52230
year be used for scholarships in the following academic year. 52231

Sec. 3333.70. (A) The ~~director~~ chancellor of higher 52232
education shall establish and administer the Ohio higher 52233
education innovation grant program to promote educational 52234
excellence and economic efficiency throughout the state in order 52235
to stabilize or reduce student tuition rates at institutions of 52236
higher education. Under the program, the ~~director~~ chancellor 52237
shall award grants to state institutions of higher education, as 52238
defined in section 3345.011 of the Revised Code, and private 52239
nonprofit institutions for innovative projects that incorporate 52240
academic achievement and economic efficiencies. State 52241
institutions of higher education and private nonprofit 52242
institutions may apply for grants and initiate collaboration 52243
with other institutions of higher education, either public or 52244
private, on such projects. 52245

(B) The ~~director~~ chancellor shall adopt rules to 52246
administer the program including, but not limited to, 52247
requirements that each grant application provides for all of the 52248
following: 52249

(1) A system by which to measure academic achievement and 52250
reductions in expenditures, both in funding and administration; 52251

(2) Demonstration of how the project will be sustained 52252
beyond the grant period and continue to provide substantial 52253
value and lasting impact; 52254

(3) Proof of commitment from all parties responsible for 52255
the implementation of the project; 52256

(4) Implementation of an ongoing evaluation process and 52257
improvement plans, as necessary. 52258

(C) As used in this section, "private nonprofit 52259
institution" means a nonprofit institution in this state that 52260
has a certificate of authorization pursuant to Chapter 1713. of 52261
the Revised Code. 52262

Sec. 3333.82. (A) The chancellor of higher education shall 52263
establish a clearinghouse of digital texts, interactive distance 52264
learning courses, and other distance learning courses delivered 52265
via a computer-based method offered by school districts, 52266
community schools, STEM schools, state institutions of higher 52267
education, private colleges and universities, and other 52268
nonprofit and for-profit course providers for sharing with other 52269
school districts, community schools, STEM schools, state 52270
institutions of higher education, private colleges and 52271
universities, and individuals for the fee set pursuant to 52272
section 3333.84 of the Revised Code. The chancellor shall not be 52273
responsible for the content of digital texts or courses offered 52274
through the clearinghouse; however, all such digital texts and 52275
courses shall be delivered only in accordance with technical 52276
specifications approved by the chancellor and on a common 52277
statewide platform administered by the chancellor. The 52278

chancellor may provide professional development and training on 52279
the use of the distance learning clearinghouse. 52280

The clearinghouse's distance learning program for students 52281
in grades kindergarten to twelve shall be based on the following 52282
principles: 52283

(1) All Ohio students shall have access to high quality 52284
digital texts and distance learning courses at any point in 52285
their educational careers. 52286

(2) All students shall be able to customize their 52287
education using digital texts and distance learning courses 52288
offered through the clearinghouse and no student shall be denied 52289
access to any digital text or course in the clearinghouse in 52290
which the student is eligible to enroll. 52291

(3) Students may take distance learning courses for all or 52292
any portion of their curriculum requirements and may utilize a 52293
combination of digital texts and distance learning courses and 52294
courses taught in a traditional classroom setting. 52295

(4) Students may earn an unlimited number of academic 52296
credits through distance learning courses. 52297

(5) Students may take distance learning courses at any 52298
time of the calendar year. 52299

(6) Student advancement to higher coursework shall be 52300
based on a demonstration of subject area competency instead of 52301
completion of any particular number of hours of instruction. 52302

(B) To offer digital texts or a course through the 52303
clearinghouse, a provider shall apply to the chancellor in a 52304
form and manner prescribed by the chancellor. The application 52305
for each digital text or course shall describe the digital text 52306

or course of study in as much detail as required by the 52307
chancellor, whether an instructor is provided, the qualification 52308
and credentials of the instructor, the number of hours of 52309
instruction, and any other information required by the 52310
chancellor. The chancellor may require course providers to 52311
include in their applications information recommended by the 52312
state board of education under former section 3353.30 of the 52313
Revised Code. 52314

(C) The chancellor shall review the technical 52315
specifications of each application submitted under division (B) 52316
of this section. In reviewing applications, the chancellor may 52317
consult with the department of education and workforce; however, 52318
the responsibility to either approve or not approve a digital 52319
text or course for the clearinghouse belongs to the chancellor. 52320
The chancellor may request additional information from a 52321
provider that submits an application under division (B) of this 52322
section, if the chancellor determines that such information is 52323
necessary. The chancellor may negotiate changes in the proposal 52324
to offer a digital text or course, if the chancellor determines 52325
that changes are necessary in order to approve the digital text 52326
or course. 52327

(D) The chancellor shall catalog each digital text or 52328
course approved for the clearinghouse, through a print or 52329
electronic medium, displaying the following: 52330

(1) Information necessary for a student and the student's 52331
parent, guardian, or custodian and the student's school 52332
district, community school, STEM school, college, or university 52333
to decide whether to enroll in or subscribe to the course; 52334

(2) Instructions for enrolling in that digital text or 52335
course, including deadlines for enrollment. 52336

(E) Any expenses related to the installation of a course 52337
into the common statewide platform shall be borne by the course 52338
provider. 52339

(F) The chancellor may contract with an entity to perform 52340
any or all of the chancellor's duties under sections 3333.81 to 52341
3333.88 of the Revised Code. 52342

Sec. 3333.86. The chancellor of higher education may 52343
determine the manner in which a course included in the 52344
clearinghouse may be offered as an advanced standing program as 52345
defined in section 3313.6013 of the Revised Code, may be offered 52346
to students who are enrolled in nonpublic schools or are 52347
instructed at home pursuant to section ~~3321.04~~ 3321.042 of the 52348
Revised Code, or may be offered at times outside the normal 52349
school day or school week, including any necessary additional 52350
fees and methods of payment for a course so offered. 52351

Sec. 3333.87. The chancellor of higher education and the 52352
~~state board department of education and workforce jointly, and~~ 52353
~~in consultation with the director of the governor's office of~~ 52354
~~21st century education,~~ shall adopt rules in accordance with 52355
Chapter 119. of the Revised Code prescribing procedures for the 52356
implementation of sections 3333.81 to 3333.86 of the Revised 52357
Code. 52358

Sec. 3333.91. The governor's office of workforce 52359
transformation, in collaboration with the chancellor of higher 52360
education, the ~~superintendent of public instruction~~ director of 52361
education and workforce, and the department of job and family 52362
services, shall develop and submit to the appropriate federal 52363
agency a single, state unified plan required under the 52364
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 52365
seq., which shall include the information required for the adult 52366

basic and literacy education program administered by the United States secretary of education and the "Carl D. Perkins Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., as amended. Following the plan's initial submission to the appropriate federal agency, the governor's office of workforce transformation may update it as necessary. If the plan is updated, the governor's office of workforce transformation shall submit the updated plan to the appropriate federal agency.

Sec. 3335.36. The board of trustees of the Ohio state university may employ such employees as it considers appropriate for the conduct of educational programs of OSU extension and may provide for the payment from the OSU extension fund created by section 3335.35 of the Revised Code of reasonable compensation to such employees and of reasonable expenses incurred by them in the discharge of their duties, including expenses of travel and of maintaining, equipping, and supplying their offices.

The employees shall cooperate with the department of agriculture, the Ohio agricultural research and development center, the department of education and workforce, and the United States department of agriculture, for the purpose of making available the educational materials of OSU extension. The employees shall represent the university and shall conduct educational activities related to agriculture, natural resources, community development, family and consumer sciences, and 4-H programs for the citizens of this state through personal instruction, bulletins, practical demonstrations, mass media, and otherwise, subject to such rules as may be prescribed by the board of trustees of the university. The employees shall have offices provided by the county or other political subdivision in which they serve in which bulletins and other educational materials of value to the people may be consulted and through

which the employees may be reached. 52398

The board of trustees of the Ohio state university may 52399
hire or use employees of OSU extension to carry out the 52400
functions and duties of a director of economic development under 52401
division (B) of section 307.07 of the Revised Code pursuant to 52402
any agreement with a county under division (A) (2) of section 52403
307.07 of the Revised Code. 52404

Sec. 3335.61. There is hereby created a brain injury 52405
advisory committee, which shall advise the brain injury program 52406
with regard to unmet needs of survivors of brain injury, 52407
development of programs for survivors and their families, 52408
establishment of training programs for health care 52409
professionals, and any other matter within the province of the 52410
brain injury program. The committee shall consist of not fewer 52411
than nineteen and not more than twenty-one members as follows: 52412

(A) Not fewer than ten and not more than twelve members 52413
appointed by the dean of the college of medicine of the Ohio 52414
state university, including all of the following: a survivor of 52415
brain injury, a relative of a survivor of brain injury, a 52416
licensed physician recommended by the Ohio chapter of the 52417
American college of emergency physicians, a licensed physician 52418
recommended by the Ohio state medical association, one other 52419
health care professional, a rehabilitation professional, an 52420
individual who represents the brain injury association of Ohio, 52421
and not fewer than three nor more than five individuals who 52422
shall represent the public; 52423

(B) The directors of the departments of health, mental 52424
health and drug addiction services, developmental disabilities, 52425
aging, and public safety; the medicaid director; the 52426
administrator of workers' compensation; the ~~superintendent of~~ 52427

~~public instruction~~director of education and workforce; and the 52428
executive director of the opportunities for Ohioans with 52429
disabilities agency. Any of the officials specified in this 52430
division may designate an individual to serve in the official's 52431
place as a member of the committee. 52432

Terms of office of the appointed members shall be two 52433
years. Members may be reappointed. Vacancies shall be filled in 52434
the manner provided for original appointments. Any member 52435
appointed to fill a vacancy occurring prior to the expiration 52436
date of the term for which the member's predecessor was 52437
appointed shall hold office as a member for the remainder of 52438
that term. 52439

Members of the committee shall serve without compensation, 52440
but shall be reimbursed for actual and necessary expenses 52441
incurred in the performance of their duties. 52442

Sec. 3343.05. The board of trustees of Central state 52443
university shall take, keep, and maintain exclusive authority, 52444
direction, supervision, and control over the operations and 52445
conduct of such university, so as to assure for said university 52446
the best attainable results with the aid secured to it from the 52447
state. 52448

The board shall provide courses of study in accordance 52449
with the standards of the department of education and workforce, 52450
and create, establish, provide for, and maintain such 52451
industrial, vocational, agricultural, home economics, 52452
commercial, business administration, technical, and collegiate 52453
subjects leading to the bachelors degree in arts and sciences. 52454
The board may provide for other courses and degrees. 52455

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 52456

section, a graduate of the twelfth grade shall be entitled to 52457
admission without examination to any college or university which 52458
is supported wholly or in part by the state, but for 52459
unconditional admission may be required to complete such units 52460
not included in the graduate's high school course as may be 52461
prescribed, not less than two years prior to the graduate's 52462
entrance, by the faculty of the institution. 52463

(B) Beginning with the 2014-2015 academic year, each state 52464
university listed in section 3345.011 of the Revised Code, 52465
except for Central state university, Shawnee state university, 52466
and Youngstown state university, shall permit a resident of this 52467
state who entered ninth grade for the first time on or after 52468
July 1, 2010, to begin undergraduate coursework at the 52469
university only if the person has successfully completed the 52470
requirements for high school graduation prescribed in division 52471
(C) of section 3313.603 of the Revised Code, unless one of the 52472
following applies: 52473

(1) The person has earned at least ten semester hours, or 52474
the equivalent, at a community college, state community college, 52475
university branch, technical college, or another post-secondary 52476
institution except a state university to which division (B) of 52477
this section applies, in courses that are college-credit-bearing 52478
and may be applied toward the requirements for a degree. The 52479
university shall grant credit for successful completion of those 52480
courses pursuant to any applicable articulation and transfer 52481
policy of the chancellor of higher education or any agreements 52482
the university has entered into in accordance with policies and 52483
procedures adopted under section 3333.16, 3333.161, or 3333.162 52484
of the Revised Code. The university may count college credit 52485
that the student earned while in high school through the college 52486
credit plus program under Chapter 3365. of the Revised Code, or 52487

through other advanced standing programs, toward the 52488
requirements of division (B) (1) of this section if the credit 52489
may be applied toward a degree. 52490

(2) The person qualified to graduate from high school 52491
under division (D) or (F) of section 3313.603 of the Revised 52492
Code and has successfully completed the topics or courses that 52493
the person lacked to graduate under division (C) of that section 52494
at any post-secondary institution or at a summer program at the 52495
state university. A state university may admit a person for 52496
enrollment contingent upon completion of such topics or courses 52497
or summer program. 52498

(3) The person met the high school graduation requirements 52499
by successfully completing the person's individualized education 52500
program developed under section 3323.08 of the Revised Code. 52501

(4) The person is receiving or has completed the final 52502
year of instruction at home as authorized under section ~~3321.04~~ 52503
3321.042 of the Revised Code, or has graduated from a 52504
nonchartered, nonpublic school in Ohio, and demonstrates mastery 52505
of the academic content and skills in reading, writing, and 52506
mathematics needed to successfully complete introductory level 52507
coursework at an institution of higher education and to avoid 52508
remedial coursework. 52509

(5) The person is a high school student participating in 52510
the college credit plus program under Chapter 3365. of the 52511
Revised Code or another advanced standing program. 52512

(C) A state university subject to division (B) of this 52513
section may delay admission for or admit conditionally an 52514
undergraduate student who has successfully completed the 52515
requirements prescribed in division (C) of section 3313.603 of 52516

the Revised Code if the university determines the student 52517
requires academic remedial or developmental coursework. The 52518
university may delay admission pending, or make admission 52519
conditional upon, the student's successful completion of the 52520
academic remedial or developmental coursework at a university 52521
branch, community college, state community college, or technical 52522
college. 52523

(D) This section does not deny the right of a college of 52524
law, medicine, or other specialized education to require college 52525
training for admission, or the right of a department of music or 52526
other art to require particular preliminary training or talent. 52527

Sec. 3345.061. (A) Ohio's two-year institutions of higher 52528
education are respected points of entry for students embarking 52529
on post-secondary careers and courses completed at those 52530
institutions are transferable to state universities in 52531
accordance with articulation and transfer agreements developed 52532
under sections 3333.16, 3333.161, and 3333.162 of the Revised 52533
Code. 52534

(B) Beginning with undergraduate students who commence 52535
undergraduate studies in the 2014-2015 academic year, no state 52536
university listed in section 3345.011 of the Revised Code, 52537
except Central state university, Shawnee state university, and 52538
Youngstown state university, shall receive any state operating 52539
subsidies for any academic remedial or developmental courses for 52540
undergraduate students, including courses prescribed in division 52541
(C) of section 3313.603 of the Revised Code, offered at its main 52542
campus, except as provided in divisions (B) (1) to (4) of this 52543
section. 52544

(1) In the 2014-2015 and 2015-2016 academic years, a state 52545
university may receive state operating subsidies for academic 52546

remedial or developmental courses completed at the main campus 52547
for not more than three per cent of the total undergraduate 52548
credit hours provided by the university at its main campus. 52549

(2) In the 2016-2017 academic year, a state university may 52550
receive state operating subsidies for academic remedial or 52551
developmental courses completed at the main campus for not more 52552
than fifteen per cent of the first-year students who have 52553
graduated from high school within the previous twelve months and 52554
who are enrolled in the university at its main campus, as 52555
calculated on a full-time-equivalent basis. 52556

(3) In the 2017-2018 academic year, a state university may 52557
receive state operating subsidies for academic remedial or 52558
developmental courses completed at the main campus for not more 52559
than ten per cent of the first-year students who have graduated 52560
from high school within the previous twelve months and who are 52561
enrolled in the university at its main campus, as calculated on 52562
a full-time-equivalent basis. 52563

(4) In the 2018-2019 academic year, a state university may 52564
receive state operating subsidies for academic remedial or 52565
developmental courses completed at the main campus for not more 52566
than five per cent of the first-year students who have graduated 52567
from high school within the previous twelve months and who are 52568
enrolled in the university at its main campus, as calculated on 52569
a full-time-equivalent basis. 52570

Each state university may continue to offer academic 52571
remedial and developmental courses at its main campus beyond the 52572
extent for which state operating subsidies may be paid under 52573
this division and may continue to offer such courses beyond the 52574
2018-2019 academic year. However, the main campus of a state 52575
university shall not receive any state operating subsidies for 52576

such courses above the maximum amounts permitted in this 52577
division. 52578

(C) Except as otherwise provided in division (B) of this 52579
section, beginning with students who commence undergraduate 52580
studies in the 2014-2015 academic year, state operating 52581
subsidies for academic remedial or developmental courses offered 52582
by state institutions of higher education may be paid only to 52583
Central state university, Shawnee state university, Youngstown 52584
state university, any university branch, any community college, 52585
any state community college, or any technical college. 52586

(D) Each state university shall grant credit for academic 52587
remedial or developmental courses successfully completed at an 52588
institution described in division (C) of this section pursuant 52589
to any applicable articulation and transfer agreements the 52590
university has entered into in accordance with policies and 52591
procedures adopted under section 3333.16, 3333.161, or 3333.162 52592
of the Revised Code. 52593

(E) The chancellor of higher education shall do all of the 52594
following: 52595

(1) Withhold state operating subsidies for academic 52596
remedial or developmental courses provided by a main campus of a 52597
state university as required in order to conform to divisions 52598
(B) and (C) of this section; 52599

(2) Adopt uniform statewide standards for academic 52600
remedial and developmental courses offered by all state 52601
institutions of higher education; 52602

(3) Encourage and assist in the design and establishment 52603
of academic remedial and developmental courses by institutions 52604
of higher education; 52605

(4) Define "academic year" for purposes of this section 52606
and section 3345.06 of the Revised Code; 52607

(5) Encourage and assist in the development of 52608
articulation and transfer agreements between state universities 52609
and other institutions of higher education in accordance with 52610
policies and procedures adopted under sections 3333.16, 52611
3333.161, and 3333.162 of the Revised Code. 52612

(F) Not later than December 31, 2012, the presidents, or 52613
equivalent position, of all state institutions of higher 52614
education, or their designees, jointly shall establish uniform 52615
statewide standards in mathematics, science, reading, and 52616
writing each student enrolled in a state institution of higher 52617
education must meet to be considered in remediation-free status. 52618
The presidents also shall establish assessments, if they deem 52619
necessary, to determine if a student meets the standards adopted 52620
under this division. Each institution is responsible for 52621
assessing the needs of its enrolled students in the manner 52622
adopted by the presidents. The board of trustees or managing 52623
authority of each state institution of higher education shall 52624
adopt the remediation-free status standard, and any related 52625
assessments, into the institution's policies. 52626

The chancellor shall assist in coordinating the work of 52627
the presidents under this division. The chancellor shall monitor 52628
the standards in mathematics, science, reading, and writing 52629
established under division (F) of this section to ensure that 52630
the standards adequately demonstrate a student's remediation- 52631
free status. 52632

(G) Each year, not later than a date established by the 52633
chancellor, each state institution of higher education shall 52634
report to the governor, the general assembly, the chancellor, 52635

and the ~~superintendent of public instruction department of~~ 52636
education and workforce all of the following for the prior 52637
academic year: 52638

(1) The institution's aggregate costs for providing 52639
academic remedial or developmental courses; 52640

(2) The amount of those costs disaggregated according to 52641
the city, local, or exempted village school districts from which 52642
the students taking those courses received their high school 52643
diplomas; 52644

(3) Any other information with respect to academic 52645
remedial and developmental courses that the chancellor considers 52646
appropriate. 52647

(H) ~~Not Annually, not later than December 31, 2011, and~~ 52648
the thirty-first day of each December ~~thereafter~~, the chancellor 52649
and the ~~superintendent of public instruction department of~~ 52650
education and workforce shall issue a report recommending 52651
policies and strategies for reducing the need for academic 52652
remediation and developmental courses at state institutions of 52653
higher education. 52654

(I) As used in this section, "state institution of higher 52655
education" has the same meaning as in section 3345.011 of the 52656
Revised Code. 52657

Sec. 3345.062. (A) ~~Not Annually, not later than December~~ 52658
~~31, 2017, and each the~~ thirty-first day of December ~~thereafter~~, 52659
the president, or equivalent position, of each state university 52660
shall issue a report regarding the remediation of students that 52661
includes all of the following: 52662

(1) The number of enrolled students that require remedial 52663
education; 52664

(2) The cost of remedial coursework the state university provides; 52665
52666

(3) The specific areas of remediation provided by the state university; 52667
52668

(4) Causes for remediation. 52669

(B) Each president, or equivalent, shall present the findings of the report to the state university's board of trustees and shall submit a copy of the report to the chancellor of higher education and the ~~superintendent of public instruction~~ department of education and workforce. 52670
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(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code. 52675
52676

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code. 52677
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(B) 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 in an eligible institution for up to two consecutive school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based educational program, as defined in section 3317.02 of the Revised Code, that complies with the standards adopted by the department of education and workforce under section 3317.231 of 52684
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the Revised Code. 52694

The eligible institution in which the individual enrolls 52695
shall report that individual's enrollment on a full-time 52696
equivalency basis to the department. 52697

(C) (1) For each eligible institution that enrolls 52698
individuals under division (B) of this section, the department 52699
annually shall certify the enrollment and attendance, on a full- 52700
time equivalency basis, of each individual reported by the 52701
institution under that division. 52702

(2) For each individual enrolled in an eligible 52703
institution under division (B) of this section, the department 52704
annually shall pay the institution up to \$5,000, as determined 52705
by the department based on the extent of the individual's 52706
successful completion of the graduation requirements prescribed 52707
under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the 52708
Revised Code. 52709

(D) If an individual enrolled in an eligible institution 52710
under division (B) of this section completes the requirements to 52711
earn a high school diploma, the institution shall certify the 52712
completion of those requirements to the city, local, or exempted 52713
village school district in which the individual resides. Upon 52714
receiving certification under this division, the city, local, or 52715
exempted village school district in which the individual resides 52716
shall issue a high school diploma to the individual within sixty 52717
days of receipt of the certification. 52718

(E) An eligible institution that enrolls individuals under 52719
division (B) of this section shall be subject to the program 52720
administration standards adopted by the department under section 52721
3317.231 of the Revised Code, as applicable. 52722

Sec. 3353.02. (A) There is hereby created the broadcast 52723
educational media commission as an independent agency to advance 52724
education and accelerate the learning of the citizens of this 52725
state through public educational broadcasting services. The 52726
commission shall provide leadership and support in extending the 52727
knowledge of the citizens of this state by promoting access to 52728
and use of educational broadcasting services, including 52729
educational television and radio and radio reading services. The 52730
commission also shall administer programs to provide financial 52731
and other assistance to educational television and radio and 52732
radio reading services. 52733

The commission is a body corporate and politic, an agency 52734
of the state performing essential governmental functions of the 52735
state. 52736

(B) The commission shall consist of fifteen members, 52737
eleven of whom shall be voting members. Nine of the voting 52738
members shall be representatives of the public selected from 52739
among leading citizens in the state who have demonstrated 52740
interest in educational broadcast media through service on 52741
boards or advisory councils of educational television stations, 52742
educational radio stations, educational technology agencies, or 52743
radio reading services. Of the representatives of the public, 52744
three shall be appointed by the governor with the advice and 52745
consent of the senate, three shall be appointed by the speaker 52746
of the house of representatives, and three shall be appointed by 52747
the president of the senate. Not more than two members appointed 52748
by the speaker of the house of representatives and not more than 52749
two members appointed by the president of the senate shall be of 52750
the same political party. The ~~superintendent-director of public-~~ 52751
~~instruction-education and workforce~~ or a designee of the 52752
~~superintendent-director~~ and the chancellor of the ~~Ohio board of-~~ 52753

~~regents~~higher education or a designee of the chancellor shall 52754
be ex officio voting members. Of the nonvoting members, two 52755
shall be members of the house of representatives appointed by 52756
the speaker of the house of representatives and two shall be 52757
members of the senate appointed by the president of the senate. 52758
The members appointed from each chamber shall not be members of 52759
the same political party. 52760

(C) Initial terms of office for appointed voting members 52761
shall be as follows: 52762

(1) For one member appointed by each of the governor, 52763
speaker of the house of representatives, and president of the 52764
senate, one year; 52765

(2) For one member appointed by each of the governor, 52766
speaker of the house of representatives, and president of the 52767
senate, two years; 52768

(3) For one member appointed by each of the governor, 52769
speaker of the house of representatives, and president of the 52770
senate, three years. At the first meeting of the commission, 52771
such members shall draw lots to determine the length of the term 52772
each member will serve. Thereafter, terms of office for such 52773
members shall be for four years. Any member who is a 52774
representative of the public may be reappointed by the member's 52775
respective appointing authority, but no such member may serve 52776
more than two consecutive four-year terms. Such a member may be 52777
removed by the member's respective appointing authority for 52778
cause. 52779

Any legislative member appointed by the speaker of the 52780
house of representatives or the president of the senate who 52781
ceases to be a member of the legislative chamber from which the 52782

member was appointed shall cease to be a member of the 52783
commission. The speaker of the house of representatives and the 52784
president of the senate may remove their respective appointments 52785
to the commission at any time. 52786

(D) Vacancies among appointed members shall be filled in 52787
the manner provided for original appointments. Any member 52788
appointed to fill a vacancy occurring prior to the expiration of 52789
the term for which the member's predecessor was appointed shall 52790
hold office for the remainder of that term. Any appointed member 52791
shall continue in office subsequent to the expiration of that 52792
member's term until the member's successor takes office or until 52793
a period of sixty days has elapsed, whichever occurs first. 52794

(E) Members of the commission shall serve without 52795
compensation. The members who are representatives of the public 52796
shall be reimbursed, pursuant to office of budget and management 52797
guidelines, for actual and necessary expenses incurred in the 52798
performance of official duties. 52799

(F) The governor shall appoint the chairperson of the 52800
commission from among the commission's public voting members. 52801
The chairperson shall serve a term of two years and may be 52802
reappointed. The commission shall elect other officers as 52803
necessary from among its voting members and shall prescribe its 52804
rules of procedure. 52805

Sec. 3365.01. As used in this chapter: 52806

(A) "Articulated credit" means post-secondary credit that 52807
is reflected on the official record of a student at an 52808
institution of higher education only upon enrollment at that 52809
institution after graduation from a secondary school. 52810

(B) "Default ceiling amount" means one of the following 52811

amounts, whichever is applicable:	52812
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	52813 52814 52815
$((0.83 \times \text{formula amount}) / 30)$	52816
X number of enrolled credit hours	52817
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	52818 52819 52820
$((0.83 \times \text{formula amount}) / 45)$	52821
X number of enrolled credit hours	52822
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	52823 52824
(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.	52825 52826 52827 52828
(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.	52829 52830 52831
(F) "Formula amount" means \$6,020.	52832
(G) "Governing entity" means any of the following:	52833
(1) A board of education of a school district;	52834
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	52835 52836
(3) A governing body of a STEM school established under	52837

Chapter 3326. of the Revised Code;	52838
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	52839 52840
(5) When referring to the state school for the deaf or the state school for the blind, the state board of education <u>department of education and workforce</u> ;	52841 52842 52843
(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.	52844 52845 52846
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction <u>education</u> under section 3321.04 <u>3321.042</u> of the Revised Code, and is participating in the program established by this chapter.	52847 52848 52849 52850 52851
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	52852 52853
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	52854 52855 52856
((formula amount / 30)	52857
X number of enrolled credit hours)	52858
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	52859 52860 52861
((formula amount / 45)	52862
X number of enrolled credit hours)	52863
(J) "Nonpublic secondary school" means a chartered school	52864

for which minimum standards are prescribed by the ~~state board~~ 52865
director of education and workforce pursuant to division (D) of 52866
section 3301.07 of the Revised Code. 52867

(K) "Number of enrolled credit hours" means the number of 52868
credit hours for a course in which a participant is enrolled 52869
during the previous term after the date on which a withdrawal 52870
from a course would have negatively affected the participant's 52871
transcripted grade, as prescribed by the college's established 52872
withdrawal policy. 52873

(L) "Parent" has the same meaning as in section 3313.64 of 52874
the Revised Code. 52875

(M) "Participant" means any student enrolled in a college 52876
under the program established by this chapter. 52877

(N) "Partnering college" means a college with which a 52878
public or nonpublic secondary school has entered into an 52879
agreement in order to offer the program established by this 52880
chapter. 52881

(O) "Partnering secondary school" means a public or 52882
nonpublic secondary school with which a college has entered into 52883
an agreement in order to offer the program established by this 52884
chapter. 52885

(P) "Private college" means any of the following: 52886

(1) A nonprofit institution holding a certificate of 52887
authorization pursuant to Chapter 1713. of the Revised Code; 52888

(2) An institution holding a certificate of registration 52889
from the state board of career colleges and schools and program 52890
authorization for an associate or bachelor's degree program 52891
issued under section 3332.05 of the Revised Code; 52892

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 52893
52894
52895

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university. 52896
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(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, or an institution operated by the department of youth services. 52899
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(S) "School year" has the same meaning as in section 3313.62 of the Revised Code. 52908
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(T) "Secondary grade" means any of grades nine through twelve. 52910
52911

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy. 52912
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(V) "Transcribed credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course. 52917
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Sec. 3365.02. (A) There is hereby established the college 52921

credit plus program under which, beginning with the 2015-2016 52922
school year, a secondary grade student who is a resident of this 52923
state may enroll at a college, on a full- or part-time basis, 52924
and complete nonsectarian, nonremedial courses for high school 52925
and college credit. The program shall govern arrangements in 52926
which a secondary grade student enrolls in a college and, upon 52927
successful completion of coursework taken under the program, 52928
receives transcribed credit from the college. The following are 52929
not governed by the college credit plus program: 52930

(1) An agreement governing an early college high school 52931
program, provided the program meets the definition set forth in 52932
division (F) (2) of section 3313.6013 of the Revised Code and is 52933
approved by the ~~superintendent of public instruction~~ department 52934
of education and workforce and the chancellor of higher 52935
education; 52936

(2) An advanced placement course or international 52937
baccalaureate diploma course, as described in divisions (A) (2) 52938
and (3) of section 3313.6013 of the Revised Code; 52939

(3) A career-technical education program that is approved 52940
by the department ~~of education~~ under section 3317.161 of the 52941
Revised Code and grants articulated credit to students 52942
participating in that program. However, any portion of an 52943
approved program that results in the conferral of transcribed 52944
credit upon the completion of the course shall be governed by 52945
the college credit plus program. 52946

(B) Any student enrolled in a public or nonpublic 52947
secondary school in the student's ninth, tenth, eleventh, or 52948
twelfth grade; any student enrolled in a nonchartered nonpublic 52949
secondary school in the student's ninth, tenth, eleventh, or 52950
twelfth grade; and any student who has been excused from the 52951

compulsory attendance law for the purpose of home ~~instruction-~~ 52952
education under section ~~3321.04-3321.042~~ of the Revised Code and 52953
is the equivalent of a ninth, tenth, eleventh, or twelfth grade 52954
student, may participate in the program, if the student meets 52955
the applicable eligibility criteria in section 3365.03 of the 52956
Revised Code. If a nonchartered nonpublic secondary school 52957
student chooses to participate in the program, that student 52958
shall be subject to the same requirements as a home-instructed 52959
student who chooses to participate in the program under this 52960
chapter. 52961

(C) All public secondary schools and all public colleges 52962
shall participate in the program and are subject to the 52963
requirements of this chapter. Any nonpublic secondary school or 52964
private college that chooses to participate in the program shall 52965
also be subject to the requirements of this chapter. 52966

(D) The chancellor, in accordance with Chapter 119. of the 52967
Revised Code and in consultation with the ~~state superintendent-~~ 52968
department, shall adopt rules governing the program. 52969

Sec. 3365.03. (A) A student enrolled in a public or 52970
nonpublic secondary school during the student's ninth, tenth, 52971
eleventh, or twelfth grade school year; a student enrolled in a 52972
nonchartered nonpublic secondary school in the student's ninth, 52973
tenth, eleventh, or twelfth grade school year; or a student who 52974
has been excused from the compulsory attendance law for the 52975
purpose of home ~~instruction-~~education under section ~~3321.04-~~ 52976
3321.042 of the Revised Code and is the equivalent of a ninth, 52977
tenth, eleventh, or twelfth grade student, may apply to and 52978
enroll in a college under the college credit plus program. 52979

(1) In order for a public secondary school student to 52980
participate in the program, all of the following criteria shall 52981

be met: 52982

(a) The student or the student's parent shall inform the 52983
principal, or equivalent, of the student's school by the first 52984
day of April of the student's intent to participate in the 52985
program during the following school year. Any student who fails 52986
to provide the notification by the required date may not 52987
participate in the program during the following school year 52988
without the written consent of the principal, or equivalent. If 52989
a student seeks consent from the principal after failing to 52990
provide notification by the required date, the principal shall 52991
notify the department of education and workforce of the 52992
student's intent to participate within ten days of the date on 52993
which the student seeks consent. If the principal does not 52994
provide written consent, the student may appeal the principal's 52995
decision to the governing entity of the school, except for a 52996
student who is enrolled in a school district, who may appeal the 52997
decision to the district superintendent. Not later than thirty 52998
days after the notification of the appeal, the district 52999
superintendent or governing entity shall hear the appeal and 53000
shall make a decision to either grant or deny that student's 53001
participation in the program. The decision of the district 53002
superintendent or governing entity shall be final. 53003

(b) The student shall: 53004

(i) Apply to a public or a participating private college, 53005
or an eligible out-of-state college participating in the 53006
program, in accordance with the college's established procedures 53007
for admission, pursuant to section 3365.05 of the Revised Code; 53008

(ii) As a condition of eligibility, satisfy one of the 53009
following criteria: 53010

(I) Be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code;

(II) Meet an alternative remediation-free eligibility option, as defined by the chancellor of higher education, in consultation with the ~~superintendent of public instruction department~~, in rules adopted under this section;

(III) Have participated in the program prior to ~~the effective date of this amendment~~ September 30, 2021, and qualified to participate in the program by scoring within one standard error of measurement below the remediation-free threshold for one of the assessments established under division (F) of section 3345.061 of the Revised Code and satisfying one of the conditions specified under division (A) (1) (b) (ii) (I) or (II) of this section as those divisions existed prior to ~~the effective date of this amendment~~ September 30, 2021.

(iii) Meet the college's and relevant academic program's established standards for admission, enrollment, and course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code.

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a

nonchartered nonpublic secondary school student, or a home- 53040
instructed student to participate in the program, both of the 53041
following criteria shall be met: 53042

(a) The student shall meet the criteria in divisions (A) 53043
(1) (b) and (c) of this section. 53044

(b) (i) If the student is enrolled in a nonpublic secondary 53045
school, that student shall send to the department ~~of education~~ a 53046
copy of the student's acceptance from a college and an 53047
application. The application shall be made on forms provided by 53048
the ~~state board of education department~~ and shall include 53049
information about the student's proposed participation, 53050
including the school year in which the student wishes to 53051
participate; and the semesters or terms the student wishes to 53052
enroll during such year. The department shall mark each 53053
application with the date and time of receipt. 53054

(ii) If the student is enrolled in a nonchartered 53055
nonpublic secondary school or is home-instructed, the parent or 53056
guardian of that student shall notify the department by the 53057
first day of April prior to the school year in which the student 53058
wishes to participate. 53059

(B) Except as provided for in division (C) of this section 53060
and in sections 3365.031 and 3365.032 of the Revised Code: 53061

(1) No public secondary school shall prohibit a student 53062
enrolled in that school from participating in the program if 53063
that student meets all of the criteria in division (A) (1) of 53064
this section. 53065

(2) No participating nonpublic secondary school shall 53066
prohibit a student enrolled in that school from participating in 53067
the program if the student meets all of the criteria in division 53068

(A) (2) of this section and, if the student is enrolled under 53069
division (B) of section 3365.06 of the Revised Code, the student 53070
is awarded funding from the department in accordance with rules 53071
adopted by the chancellor, in consultation with the 53072
~~superintendent of public instruction department~~, pursuant to 53073
section 3365.071 of the Revised Code. 53074

(C) For purposes of this section, during the period of an 53075
expulsion imposed by a public secondary school, a student is 53076
ineligible to apply to enroll in a college under this section, 53077
unless the student is admitted to another public secondary or 53078
participating nonpublic secondary school. If a student is 53079
enrolled in a college under this section at the time the student 53080
is expelled, the student's status for the remainder of the 53081
college term in which the expulsion is imposed shall be 53082
determined under section 3365.032 of the Revised Code. 53083

(D) Upon a student's graduation from high school, 53084
participation in the college credit plus program shall not 53085
affect the student's eligibility at any public college for 53086
scholarships or for other benefits or opportunities that are 53087
available to first-time college students and are awarded by that 53088
college, regardless of the number of credit hours that the 53089
student completed under the program. 53090

(E) The college to which a student applies to participate 53091
under this section shall pay for one assessment used to 53092
determine that student's eligibility under this section. 53093
However, notwithstanding anything to the contrary in Chapter 53094
3365. of the Revised Code, any additional assessments used to 53095
determine the student's eligibility shall be the financial 53096
responsibility of the student. 53097

Sec. 3365.032. (A) For purposes of this section: 53098

(1) The "expulsion of a student" or "expelling a student"	53099
means the following:	53100
(a) For a public secondary school that is a school	53101
operated by a city, local, exempted village, or joint vocational	53102
school district, community school established under Chapter	53103
3314. of the Revised Code, or STEM school established under	53104
Chapter 3326. of the Revised Code, the expulsion of a student or	53105
the act of expelling a student under division (B) of section	53106
3313.66 of the Revised Code;	53107
(b) For a public secondary school that is a college-	53108
preparatory boarding school, the expulsion of a student or the	53109
act of expelling a student in accordance with the school's	53110
bylaws adopted pursuant to section 3328.13 of the Revised Code;	53111
(c) For a public secondary school that is the state school	53112
for the deaf or the state school for the blind, the expulsion of	53113
a student or the act of expelling a student in accordance with	53114
rules adopted by the state board <u>department of education and</u>	53115
<u>workforce</u> .	53116
(2) A "policy to deny high school credit for courses taken	53117
under the college credit plus program during an expulsion" means	53118
the following:	53119
(a) For a public secondary school that is a school	53120
operated by a city, local, exempted village, or joint vocational	53121
school district, community school established under Chapter	53122
3314. of the Revised Code, or STEM school established under	53123
Chapter 3326. of the Revised Code, a policy adopted under	53124
section 3313.613 of the Revised Code;	53125
(b) For a college-preparatory boarding school established	53126
under Chapter 3328. of the Revised Code, a policy adopted in	53127

accordance with the school's bylaws adopted pursuant to section 53128
3328.13 of the Revised Code; 53129

(c) For the state school for the deaf or the state school 53130
for the blind, a policy adopted in accordance with any rules 53131
adopted by the ~~state board~~ department requiring such a policy. 53132

(B) When a public secondary school expels a student, the 53133
superintendent, or equivalent, shall send a written notice of 53134
the expulsion to any college in which the expelled student is 53135
enrolled under section 3365.03 of the Revised Code at the time 53136
the expulsion is imposed. The notice shall indicate the date the 53137
expulsion is scheduled to expire. The notice also shall indicate 53138
whether the school has adopted a policy to deny high school 53139
credit for courses taken under the college credit plus program 53140
during an expulsion. If the expulsion is extended, the 53141
superintendent, or equivalent, shall notify the college of the 53142
extension. 53143

(C) A college may withdraw its acceptance under section 53144
3365.03 of the Revised Code of a student who is expelled from 53145
school. As provided in section 3365.03 of the Revised Code, 53146
regardless of whether the college withdraws its acceptance of 53147
the student for the college term in which the student is 53148
expelled, the student is ineligible to enroll in a college under 53149
that section for subsequent college terms during the period of 53150
the expulsion, unless the student enrolls in another public 53151
school or a participating nonpublic school during that period. 53152

If a college withdraws its acceptance of an expelled 53153
student who elected either option of division (A)(1) or (2) of 53154
section 3365.06 of the Revised Code, the college shall refund 53155
tuition and fees paid by the student in the same proportion that 53156
it refunds tuition and fees to students who voluntarily withdraw 53157

from the college at the same time in the term. 53158

If a college withdraws its acceptance of an expelled 53159
student who elected the option of division (B) of section 53160
3365.06 of the Revised Code, the public school shall not award 53161
high school credit for the college courses in which the student 53162
was enrolled at the time the college withdrew its acceptance, 53163
and any reimbursement under section 3365.07 of the Revised Code 53164
for the student's attendance prior to the withdrawal shall be 53165
the same as would be paid for a student who voluntarily withdrew 53166
from the college at the same time in the term. If the withdrawal 53167
results in the college's receiving no reimbursement, the college 53168
or secondary school may require the student to return or pay for 53169
any textbooks and materials it provided the student free of 53170
charge. 53171

(D) When a student who elected the option of division (B) 53172
of section 3365.06 of the Revised Code is expelled from a public 53173
school that has adopted a policy to deny high school credit for 53174
courses taken under the college credit plus program during an 53175
expulsion, that election is automatically revoked for all 53176
college courses in which the student is enrolled during the 53177
college term in which the expulsion is imposed. Any 53178
reimbursement under section 3365.07 of the Revised Code for the 53179
student's attendance prior to the expulsion shall be the same as 53180
would be paid for a student who voluntarily withdrew from the 53181
college at the same time in the term. If the revocation results 53182
in the college's receiving no reimbursement, the college or 53183
secondary school may require the student to return or pay for 53184
any textbooks and materials it provided the student free of 53185
charge. 53186

Not later than five days after receiving an expulsion 53187

notice from the superintendent, or equivalent, of a public 53188
school that has adopted a policy to deny high school credit for 53189
courses taken under the college credit plus program during an 53190
expulsion, the college shall send a written notice to the 53191
expelled student that the student's election of division (B) of 53192
section 3365.06 of the Revised Code is revoked. If the college 53193
elects not to withdraw its acceptance of the student, the 53194
student shall pay all applicable tuition and fees for the 53195
college courses and shall pay for any textbooks and materials 53196
that the college or secondary school provided to the student. 53197

Sec. 3365.033. (A) Notwithstanding anything to the 53198
contrary in Chapter 3365. of the Revised Code, any student 53199
enrolled in a public or nonpublic secondary school in the 53200
student's seventh or eighth grade; any student enrolled in a 53201
nonchartered nonpublic secondary school in the student's seventh 53202
or eighth grade; and any student who has been excused from the 53203
compulsory attendance law for the purpose of home ~~instruction~~ 53204
education under section ~~3321.04~~3321.042 of the Revised Code and 53205
is the equivalent of a seventh or eighth grade student, may 53206
participate in the college credit plus program, if the student 53207
meets the applicable eligibility criteria required of secondary 53208
grade students for participation. Participants under this 53209
section shall be subject to the same requirements as secondary 53210
grade participants under this chapter. 53211

(B) Participants under this section shall receive high 53212
school and college credit for courses taken under the program, 53213
in accordance with the option elected under section 3365.06 of 53214
the Revised Code. High school credit earned under the program 53215
shall be awarded in the same manner as for secondary grade 53216
participants. 53217

(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 secondary grade participants in accordance with that section.

(D) Notwithstanding section 3327.01 of the Revised Code, the parent or guardian of a participant under this section shall be responsible for any transportation for the participant related to participation in the program.

Sec. 3365.034. (A) Notwithstanding anything to the contrary in the Revised Code, a student who is eligible to participate in the college credit plus program under section 3365.03 or 3365.033 of the Revised Code may participate in the program during the summer term of a public or participating private college or an eligible out-of-state college participating in the program.

Unless otherwise specified, if a student participates in the college credit plus program under this section, all requirements of the program shall apply.

(B) (1) In order for a public secondary school student to participate under this section, the student shall meet the criteria in division (A) (1) of section 3365.03 of the Revised Code, except that the student or the student's parent shall inform the principal, or equivalent, of the student's school by the date designated by rule of the 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.

(2) In order for a nonpublic secondary school student, a

nonchartered nonpublic secondary school student, or a home- 53247
instructed student to participate under this section, the 53248
student shall meet the applicable criteria in division (A) (2) of 53249
section 3365.03 of the Revised Code, except that the parent or 53250
guardian of a nonchartered nonpublic secondary school student or 53251
a home-instructed student shall notify the department of 53252
education and workforce by the date designated by rule of the 53253
chancellor of higher education, pursuant to division (E) of this 53254
section, of the student's intent to participate in the program 53255
during the summer term. 53256

(C) If a participant under this section elects to have the 53257
college reimbursed under section 3365.07 of the Revised Code for 53258
courses taken under the program, the department shall reimburse 53259
the college in the same manner as for students who participate 53260
during the school year in accordance with that section, except 53261
that the department shall make the applicable payments each 53262
September, or as soon as possible thereafter. 53263

(D) Notwithstanding section 3327.01 of the Revised Code, 53264
the participant or the participant's parent or guardian shall be 53265
responsible for any transportation related to participation in 53266
the program during the summer term. 53267

(E) The chancellor of higher education, in accordance with 53268
Chapter 119. of the Revised Code and in consultation with the 53269
~~superintendent of public instruction~~ department of education and 53270
workforce, shall adopt rules for the administration of this 53271
section. The rules shall include the dates by which the student 53272
or student's parent must provide notification of the student's 53273
intent to participate in the program during the summer term. 53274

Sec. 3365.035. (A) As used in this section, "mature 53275
subject matter" means any course subject matter or material of a 53276

graphic, explicit, violent, or sexual nature. 53277

(B) The department of education and workforce and the 53278
department of higher education shall jointly develop a 53279
permission slip regarding the potential for mature subject 53280
matter in a course taken through the college credit plus 53281
program. The departments shall post the permission slip in a 53282
prominent place on their college credit plus program web sites. 53283

(C) For a student enrolled in a public, chartered 53284
nonpublic, or nonchartered nonpublic school or a home-instructed 53285
student to enroll in any college course under the college credit 53286
plus program, the parent of the student and the student shall 53287
sign and include the permission slip described in division (B) 53288
of this section within the student's application to the public 53289
college, participating private college, or eligible out-of-state 53290
college in which the student wishes to enroll. 53291

(D) Each public and participating private college and 53292
eligible out-of-state college participating in the program, upon 53293
admitting a student under the program, shall include in the 53294
college's enrollment materials the following: 53295

(1) A questionnaire for students, developed by the 53296
college, to answer in the affirmative acknowledging that the 53297
student possesses the necessary social and emotional maturity 53298
and is ready to accept the responsibility and independence that 53299
a college classroom demands and to resubmit to the college; 53300

(2) Guidance on reviewing any course materials available 53301
prior to enrolling in a course; 53302

(3) Information about the college's and the program's 53303
policies on withdrawing from or dropping a course; 53304

(4) Information about the student's right to speak with 53305

the student's high school counselor or with the academic advisor 53306
assigned to the student as prescribed in division (F) of section 53307
3365.05 of the Revised Code. 53308

(E) Each public and participating private college and 53309
eligible out-of-state college participating in the program shall 53310
include a discussion at student orientation about the potential 53311
for mature subject matter in courses taken through the program. 53312

(F) The department of education and workforce, the 53313
department of higher education, and each public and 53314
participating private college and eligible out-of-state college 53315
participating in the program shall post in a prominent place on 53316
their college credit plus program web sites the following 53317
disclaimer: 53318

"The subject matter of a course enrolled in under the 53319
college credit plus program may include mature subject matter or 53320
materials, including those of a graphic, explicit, violent, or 53321
sexual nature, that will not be modified based upon college 53322
credit plus enrollee participation regardless of where course 53323
instruction occurs." 53324

Sec. 3365.04. Each public and participating nonpublic 53325
secondary school shall do all of the following with respect to 53326
the college credit plus program: 53327

(A) Provide information about the program prior to the 53328
first day of February of each year to all students enrolled in 53329
grades six through eleven; 53330

(B) Provide counseling services to students in grades six 53331
through eleven and to their parents before the students 53332
participate in the program under this chapter to ensure that 53333
students and parents are fully aware of the possible 53334

consequences and benefits of participation. Counseling	53335
information shall include:	53336
(1) Program eligibility;	53337
(2) The process for granting academic credits;	53338
(3) Any necessary financial arrangements for tuition, textbooks, and fees;	53339 53340
(4) Criteria for any transportation aid;	53341
(5) Available support services;	53342
(6) Scheduling;	53343
(7) Communicating the possible consequences and benefits of participation, including all of the following:	53344 53345
(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;	53346 53347 53348
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	53349 53350 53351
(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.	53352 53353 53354 53355
(8) The academic and social responsibilities of students and parents under the program;	53356 53357
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	53358 53359 53360

(10) The standard packet of information for the program 53361
developed by the chancellor of higher education pursuant to 53362
section 3365.15 of the Revised Code; 53363

For a participating nonpublic secondary school, counseling 53364
information shall also include an explanation that funding may 53365
be limited and that not all students who wish to participate may 53366
be able to do so. 53367

(11) Information about the potential for mature subject 53368
matter, as defined in section 3365.035 of the Revised Code, in 53369
courses in which the student intends to enroll through the 53370
program and notification that courses will not be modified based 53371
upon program enrollee participation regardless of where course 53372
instruction occurs. The information shall include the permission 53373
slip described in division (B) of section 3365.035 of the 53374
Revised Code. 53375

(C) Promote the program on the school's web site, 53376
including the details of the school's current agreements with 53377
partnering colleges; 53378

(D) Schedule at least one informational session per school 53379
year to allow each participating college that is located within 53380
thirty miles of the school to meet with interested students and 53381
parents. The session shall include the benefits and consequences 53382
of participation and shall outline any changes or additions to 53383
the requirements of the program. If there are no participating 53384
colleges located within thirty miles of the school, the school 53385
shall coordinate with the closest participating college to offer 53386
an informational session. 53387

For the purposes of division (D) of this section, 53388
"participating college" shall include both of the following: 53389

(1) A partnering college;	53390
(2) Any public college, private college, or eligible out-of-state college to which both of the following apply:	53391 53392
(a) The college participates in the college credit plus program.	53393 53394
(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session.	53395 53396 53397
(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.	53398 53399 53400 53401 53402 53403 53404 53405 53406 53407 53408 53409
(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.	53410 53411 53412 53413
(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 <u>department of education and workforce</u> pursuant to section 3365.15 of the Revised Code.	53414 53415 53416 53417 53418

Sec. 3365.05. Each public and participating private college shall do all of the following with respect to the college credit plus program:

(A) Apply established standards and procedures for admission to the college and for course placement for participants. When determining admission and course placement, the college shall do all of the following:

(1) Consider all available student data that may be an indicator of college readiness, including grade point average and end-of-course examination scores, if applicable;

(2) Give priority to its current students regarding enrollment in courses. However, once a participant has been accepted into a course, the college shall not displace the participant for another student.

(3) Adhere to any capacity limitations that the college has established for specified courses.

(B) Send written notice to the participant, the participant's parent, and the participant's secondary school, not later than fourteen calendar days prior to the first day of classes for that term, of the participant's admission to the college and to specified courses under the program.

(C) Provide both of the following, not later than twenty-one calendar days after the first day of classes for that term, to each participant and the participant's secondary school:

(1) The courses and hours of enrollment of the participant;

(2) The option elected by the participant under division (A) or (B) of section 3365.06 of the Revised Code for each

course. 53447

The college shall also provide to each partnering school a 53448
roster of participants from that school that are enrolled in the 53449
college and a list of course assignments for each participant. 53450

(D) Promote the program on the college's web site, 53451
including the details of the college's current agreements with 53452
partnering secondary schools. 53453

(E) Coordinate with each partnering secondary school that 53454
is located within thirty miles of the college to present at 53455
least one informational session per school year for interested 53456
students and parents. The session shall include the benefits and 53457
consequences of participation and shall outline any changes or 53458
additions to the requirements of the program. If there are no 53459
partnering schools located within thirty miles of the college, 53460
the college shall coordinate with the closest partnering school 53461
to offer an informational session. 53462

(F) Assign an academic advisor that is employed by the 53463
college to each participant enrolled in that college. Prior to 53464
the date on which a withdrawal from a course would negatively 53465
affect a participant's transcribed grade, as prescribed by the 53466
college's established withdrawal policy, the college shall 53467
ensure that the academic advisor and the participant meet at 53468
least once to discuss the program and the courses in which the 53469
participant is enrolled. 53470

(G) Do both of the following with regard to high school 53471
teachers that are teaching courses for the college at a 53472
secondary school under the program: 53473

(1) Provide at least one professional development session 53474
per school year; 53475

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) 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.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the options prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The participant may elect to receive only college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the

course, the college shall award the participant full credit for 53505
the course, but the governing entity of a public secondary 53506
school or the governing body of a participating nonpublic 53507
secondary school shall not award the high school credit. 53508

(2) The participant may elect to receive both high school 53509
credit and college credit for the course. Except as provided in 53510
section 3365.032 of the Revised Code, if the participant 53511
successfully completes the course, the college shall award the 53512
participant full credit for the course and the governing entity 53513
of a public school or the governing body of a participating 53514
nonpublic school shall award the participant high school credit. 53515

(B) If a course is eligible for funding under rules 53516
adopted pursuant to division (C)(1) of this section, the 53517
participant may elect at the time of enrollment for the course 53518
to have the college reimbursed under section 3365.07 of the 53519
Revised Code. Except as provided in section 3365.032 of the 53520
Revised Code, if the participant successfully completes the 53521
course, the college shall award the participant full credit for 53522
the course and the governing entity of a public school or the 53523
governing body of a participating nonpublic school shall award 53524
the participant high school credit. If the participant elects to 53525
have the college reimbursed under this division, the department 53526
shall reimburse the college for the number of enrolled credit 53527
hours in accordance with section 3365.07 of the Revised Code. 53528

(C) (1) The chancellor of higher education, in consultation 53529
with the ~~superintendent of public instruction~~ department of 53530
education and workforce, shall adopt rules specifying which 53531
courses are eligible for funding under section 3365.07 of the 53532
Revised Code. 53533

The rules shall address at least the following: 53534

(a) Whether courses must be taken in a specified sequence;	53535
(b) Whether to restrict funding and limit eligibility to certain types of courses, including (i) courses that are included in the statewide articulation and transfer system, established by the chancellor pursuant to section 3333.161 of the Revised Code; (ii) courses that may be applied to multiple degree pathways or are applicable to in-demand jobs; or (iii) other types of courses;	53536 53537 53538 53539 53540 53541 53542
(c) Whether courses with private instruction, as defined by the chancellor, are eligible for funding.	53543 53544
The rules also shall specify the school year for which implementation of the rules adopted pursuant to this division shall first apply.	53545 53546 53547
(2) In developing the rules, the chancellor, in consultation with the state superintendent <u>department of education and workforce</u> , shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.	53548 53549 53550 53551 53552
(D) When determining a school district's enrollment under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be considered as time the participant is not attending or enrolled in school anywhere, and the time a participant is attending courses under division (B) of this section shall be considered as time the participant is attending or enrolled in the district's schools.	53553 53554 53555 53556 53557 53558 53559 53560
Sec. 3365.07. The department of <u>education and workforce</u> shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section	53561 53562 53563

3365.06 of the Revised Code pursuant to this section. For a 53564
nonpublic secondary school participant, a nonchartered nonpublic 53565
secondary school participant, or a home-instructed participant, 53566
the department shall pay state funds pursuant to this section 53567
only if that participant is awarded funding according to rules 53568
adopted by the chancellor of higher education, in consultation 53569
with the ~~superintendent of public instruction~~ department of 53570
education and workforce, pursuant to section 3365.071 of the 53571
Revised Code. The program shall be the sole mechanism by which 53572
state funds are paid to colleges for students to earn 53573
transcribed credit for college courses while enrolled in both a 53574
secondary school and a college, with the exception of state 53575
funds paid to colleges according to an agreement described in 53576
division (A)(1) of section 3365.02 of the Revised Code. 53577

(A) For each public or nonpublic secondary school 53578
participant enrolled in a public college: 53579

(1) If no agreement has been entered into under division 53580
(A)(2) of this section, both of the following shall apply: 53581

(a) The department shall pay to the college the applicable 53582
amount as follows: 53583

(i) For a participant enrolled in a college course 53584
delivered on the college campus, at another location operated by 53585
the college, or online, the lesser of the default ceiling amount 53586
or the college's standard rate; 53587

(ii) For a participant enrolled in a college course 53588
delivered at the participant's secondary school but taught by 53589
college faculty, the lesser of fifty per cent of the default 53590
ceiling amount or the college's standard rate; 53591

(iii) For a participant enrolled in a college course 53592

delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(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. 53622

(B) For each public secondary school participant enrolled 53623
in a private college: 53624

(1) If no agreement has been entered into under division 53625
(B) (2) of this section, the department shall pay to the college 53626
the applicable amount calculated in the same manner as in 53627
division (A) (1) (a) of this section. 53628

(2) The governing entity of a participant's secondary 53629
school and the college may enter into an agreement to establish 53630
an alternative payment structure for tuition, textbooks, and 53631
fees. Under such an agreement, payments shall be not less than 53632
the default floor amount, unless approved by the chancellor, and 53633
not more than either the default ceiling amount or the college's 53634
standard rate, whichever is less. 53635

If an agreement is entered into under division (B) (2) of 53636
this section, both of the following shall apply: 53637

(a) The department shall make a payment to the college for 53638
each participant that is equal to the default floor amount, 53639
unless approved by the chancellor to pay an amount below the 53640
default floor amount. The chancellor may approve an agreement 53641
that includes a payment below the default floor amount, as long 53642
as the provisions of the agreement comply with all other 53643
requirements of this chapter to ensure program quality. 53644

(b) Payment for costs for the participant that exceed the 53645
amount paid by the department pursuant to division (B) (2) (a) of 53646
this section shall be negotiated by the school and the college. 53647
The agreement may include a stipulation permitting the charging 53648
of a participant. 53649

However, under no circumstances shall: 53650

(i) Payments for a participant made by the department 53651
under division (B) (2) of this section exceed the lesser of the 53652
default ceiling amount or the college's standard rate; 53653

(ii) The amount charged to a participant under division 53654
(B) (2) of this section exceed the difference between the maximum 53655
per participant charge amount and the default floor amount; 53656

(iii) The sum of the payments made by the department for a 53657
participant and the amount charged to that participant under 53658
division (B) (2) of this section exceed the following amounts, as 53659
applicable: 53660

(I) For a participant enrolled in a college course 53661
delivered on the college campus, at another location operated by 53662
the college, or online, the maximum per participant charge 53663
amount; 53664

(II) For a participant enrolled in a college course 53665
delivered at the participant's secondary school but taught by 53666
college faculty, one hundred twenty-five dollars; 53667

(III) For a participant enrolled in a college course 53668
delivered at the participant's secondary school and taught by a 53669
high school teacher who has met the credential requirements 53670
established for purposes of the program in rules adopted by the 53671
chancellor, one hundred dollars. 53672

(iv) A participant that is identified as economically 53673
disadvantaged according to rules adopted by the department be 53674
charged under division (B) (2) of this section for any tuition, 53675
textbooks, or other fees related to participation in the 53676
program. 53677

(C) For each nonpublic secondary school participant 53678
enrolled in a private or eligible out-of-state college, the 53679

department shall pay to the college the applicable amount 53680
calculated in the same manner as in division (A) (1) (a) of this 53681
section. Payment for costs for the participant that exceed the 53682
amount paid by the department shall be negotiated by the 53683
governing body of the nonpublic secondary school and the 53684
college. 53685

However, under no circumstances shall: 53686

(1) The payments for a participant made by the department 53687
under this division exceed the lesser of the default ceiling 53688
amount or the college's standard rate. 53689

(2) Any nonpublic secondary school participant, who is 53690
enrolled in that secondary school with a scholarship awarded 53691
under either the educational choice scholarship pilot program, 53692
as prescribed by sections 3310.01 to 3310.17, or the pilot 53693
project scholarship program, as prescribed by sections 3313.974 53694
to 3313.979 of the Revised Code, and who qualifies as a low- 53695
income student under either of those programs, be charged for 53696
any tuition, textbooks, or other fees related to participation 53697
in the college credit plus program. 53698

(D) For each nonchartered nonpublic secondary school 53699
participant and each home-instructed participant enrolled in a 53700
public, private, or eligible out-of-state college, the 53701
department shall pay to the college the lesser of the default 53702
ceiling amount or the college's standard rate, if that 53703
participant is enrolled in a college course delivered on the 53704
college campus, at another location operated by the college, or 53705
online. 53706

(E) Not later than thirty days after the end of each term, 53707
each college expecting to receive payment for the costs of a 53708

participant under this section shall notify the department of 53709
the number of enrolled credit hours for each participant. 53710

(F) The department shall make the applicable payments 53711
under this section to each college, which provided proper 53712
notification to the department under division (E) of this 53713
section, for the number of enrolled credit hours for 53714
participants enrolled in the college under division (B) of 53715
section 3365.06 of the Revised Code. Except in cases involving 53716
incomplete participant information or a dispute of participant 53717
information, payments shall be made by the last day of January 53718
for participants who were enrolled during the fall term and by 53719
the last day of July for participants who were enrolled during 53720
the spring term. The department shall not make any payments to a 53721
college under this section if a participant withdrew from a 53722
course prior to the date on which a withdrawal from the course 53723
would have negatively affected the participant's transcribed 53724
grade, as prescribed by the college's established withdrawal 53725
policy. 53726

(1) Payments made for public secondary school participants 53727
under this section shall be deducted as follows: 53728

(a) For a participant enrolled in a school district, from 53729
the school foundation payments made to the participant's school 53730
district. If the participant is enrolled in a joint vocational 53731
school district, a portion of the amount shall be deducted from 53732
the payments to the joint vocational school district and a 53733
portion shall be deducted from the payments to the participant's 53734
city, local, or exempted village school district in accordance 53735
with the full-time equivalency of the student's enrollment in 53736
each district. 53737

(b) For a participant enrolled in a community school 53738

established under Chapter 3314. of the Revised Code, from the 53739
payments made to that school under section 3317.022 of the 53740
Revised Code; 53741

(c) For a participant enrolled in a STEM school, from the 53742
payments made to that school under section 3317.022 of the 53743
Revised Code; 53744

(d) For a participant enrolled in a college-preparatory 53745
boarding school, from the payments made to that school under 53746
section 3328.34 of the Revised Code; 53747

(e) For a participant enrolled in the state school for the 53748
deaf or the state school for the blind, from the amount paid to 53749
that school with funds appropriated by the general assembly for 53750
support of that school; 53751

(f) For a participant enrolled in an institution operated 53752
by the department of youth services, from the amount paid to 53753
that institution with funds appropriated by the general assembly 53754
for support of that institution. 53755

Amounts deducted under divisions (F) (1) (a) to (f) of this 53756
section shall be calculated in accordance with rules adopted by 53757
the chancellor, in consultation with the ~~state~~ 53758
~~superintendent~~ department of education and workforce, pursuant to 53759
division (B) of section 3365.071 of the Revised Code 53760

(2) Payments made for nonpublic secondary school 53761
participants, nonchartered nonpublic secondary school 53762
participants, and home-instructed participants under this 53763
section shall be deducted from moneys appropriated by the 53764
general assembly for such purpose. Payments shall be allocated 53765
and distributed in accordance with rules adopted by the 53766
chancellor, in consultation with the ~~state superintendent~~ 53767

department of education and workforce, pursuant to division (A) 53768
of section 3365.071 of the Revised Code. 53769

(G) Any public college that enrolls a student under 53770
division (B) of section 3365.06 of the Revised Code may include 53771
that student in the calculation used to determine its state 53772
share of instruction funds appropriated to the department of 53773
higher education by the general assembly. 53774

Sec. 3365.071. (A) The chancellor of ~~the Ohio board of~~ 53775
~~regents~~higher education, in accordance with Chapter 119. of the 53776
Revised Code and in consultation with the ~~superintendent of~~ 53777
~~public instruction~~ department of education and workforce, shall 53778
adopt rules prescribing a method to allocate and distribute 53779
payments under section 3365.07 of the Revised Code for nonpublic 53780
secondary school participants, nonchartered nonpublic secondary 53781
school participants, and home-instructed participants. The rules 53782
shall include that payments made for nonchartered nonpublic 53783
secondary school participants be made in the same manner as 53784
payments for home-instructed participants under that section. 53785

(B) The chancellor, in consultation with the ~~state~~ 53786
~~superintendent~~ department, shall also adopt rules establishing a 53787
method to calculate the amounts deducted from a joint vocational 53788
school district and from a participant's city, local, or 53789
exempted village school district for payments under section 53790
3365.07 of the Revised Code. 53791

Sec. 3365.08. (A) No participant enrolled under this 53792
chapter in a course for which credit toward high school 53793
graduation is awarded shall receive direct financial aid through 53794
any state or federal program. 53795

(B) If a school district provides transportation for 53796

resident school students in grades eleven and twelve under 53797
section 3327.01 of the Revised Code, a parent of a participant 53798
enrolled in a course under division (A) (2) or (B) of section 53799
3365.06 of the Revised Code may apply to the board of education 53800
for full or partial reimbursement for the necessary costs of 53801
transporting the participant between the secondary school the 53802
participant attends and the college in which the participant is 53803
enrolled. Reimbursement may be paid solely from funds received 53804
by the district for student transportation under section 53805
3317.0212 of the Revised Code or other provisions of law. The 53806
~~state board~~ department of education and workforce shall 53807
establish guidelines, based on financial need, under which a 53808
district may provide such reimbursement. 53809

(C) If a community school provides or arranges 53810
transportation for its students in grades nine through twelve 53811
under section 3314.091 of the Revised Code, a parent of a 53812
participant of the community school who is enrolled in a course 53813
under division (A) (2) or (B) of section 3365.06 of the Revised 53814
Code may apply to the governing authority of the community 53815
school for full or partial reimbursement of the necessary costs 53816
of transporting the participant between the community school and 53817
the college. The governing authority may pay the reimbursement 53818
in accordance with the ~~state board's~~ department's rules adopted 53819
under division (B) of this section solely from funds paid to it 53820
under division (H) of section 3317.0212 of the Revised Code. 53821

Sec. 3365.09. (A) Except as provided for in division (C) 53822
of this section, if the superintendent, or equivalent, of a 53823
public secondary school in which a participant is enrolled 53824
determines that the participant has not attained a passing final 53825
grade in a college course in which the participant enrolled 53826
under this chapter, the superintendent, or equivalent, may seek 53827

reimbursement from the participant or the participant's parent 53828
for the amount of state funds paid to the college on behalf of 53829
the participant for that college course. The governing entity of 53830
a public school, in accordance with division (C) of section 53831
3313.642 of the Revised Code, may withhold grades and credits 53832
received by the participant for high school courses taken by the 53833
participant until the participant or the participant's parent 53834
provides reimbursement. 53835

(B) Except as provided for in division (C) of this 53836
section, if the chief administrator of a participating nonpublic 53837
school in which a participant is enrolled determines that the 53838
participant has not attained a passing final grade in a college 53839
course in which the participant enrolled under this chapter, the 53840
chief administrator may seek reimbursement from the participant 53841
or the participant's parent for the amount of state funds paid 53842
to the college on behalf of the participant for enrollment in 53843
that college course. Upon the collection of any funds from a 53844
participant or participant's parent under this division, the 53845
chief administrator of a nonpublic school shall send an amount 53846
equal to the funds collected to the ~~superintendent of public~~ 53847
~~instruction~~ department of education and workforce. The 53848
~~superintendent of public instruction~~ department shall credit 53849
that amount to the general revenue fund. 53850

(C) Unless the participant was expelled by the school, the 53851
superintendent, or equivalent, or chief administrator shall not 53852
seek reimbursement from a participant or a participant's parent 53853
under division (A) or (B) of this section, if the participant is 53854
identified as economically disadvantaged according to rules 53855
adopted by the ~~department of education~~. 53856

Sec. 3365.091. (A) The chancellor of higher education, in 53857

consultation with the ~~superintendent of public instruction~~ 53858
department of education and workforce, shall adopt rules 53859
specifying the conditions under which an underperforming 53860
participant may continue to participate in the college credit 53861
plus program. 53862

The rules shall address at least the following: 53863

(1) The definition of an "underperforming participant"; 53864

(2) Any additional conditions that participants with 53865
repeated underperformance must satisfy; 53866

(3) The timeframe for notifying an underperforming 53867
participant who is determined to be ineligible for participation 53868
of such ineligibility; 53869

(4) Mechanisms available to assist underperforming 53870
participants; 53871

(5) The role of school guidance counselors and college 53872
academic advisers in assisting underperforming participants; 53873

(6) If an underperforming participant is determined to be 53874
ineligible for participation, any consequences that such 53875
ineligibility may have on the student's ability to complete the 53876
secondary school's graduation requirements. 53877

The rules also shall specify the school year for which 53878
implementation of the rules adopted pursuant to division (A) of 53879
this section shall first apply. 53880

(B) In developing the rules pursuant to division (A) of 53881
this section, the chancellor, in consultation with the ~~state~~ 53882
superintendent department, shall establish a process to receive 53883
input from public and nonpublic secondary schools, public and 53884
private colleges, and other interested parties. 53885

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~~ department of education and workforce for a waiver from the requirements of the college credit plus program. The chancellor and the ~~superintendent~~ department may grant a waiver under this section for an agreement or for a proposed agreement between a public or participating nonpublic secondary school and a public or participating private or out-of-state college, only if the agreement does both of the following:

(1) Includes innovative programming proposed to exclusively address the needs of underrepresented student subgroups;

(2) Meets all criteria set forth in rules adopted by the chancellor and the ~~superintendent~~ department pursuant to division (C) of this section.

(B) Any waiver granted under this section shall apply only to the agreement for which the waiver is granted and shall not apply to any other agreement that the school or college enters into under this chapter.

(C) The chancellor and the ~~superintendent of public instruction~~ department shall jointly adopt rules, in accordance with Chapter 119. of the Revised Code, regarding the granting of waivers under this section.

Sec. 3365.12. (A) All courses offered under the college credit plus program shall be the same courses that are included in the partnering college's course catalogue for college-level, nonremedial courses and shall apply to at least one degree or

professional certification at the partnering college. 53915

(B) (1) High school credit awarded for courses successfully 53916
completed under this chapter shall count toward the graduation 53917
requirements and subject area requirements of the public 53918
secondary school or participating nonpublic secondary school. If 53919
a course comparable to one a participant completed at a college 53920
is offered by the school, the governing entity or governing body 53921
shall award comparable credit for the course completed at the 53922
college. If no comparable course is offered by the school, the 53923
governing entity or governing body shall grant an appropriate 53924
number of elective credits to the participant. 53925

(2) If there is a dispute between a participant's school 53926
and a participant regarding high school credits granted for a 53927
course, the participant may appeal the decision to the 53928
department of education and workforce. The department's decision 53929
regarding any high school credits granted under this section is 53930
final. 53931

(C) Evidence of successful completion of each course and 53932
the high school credits awarded by the school shall be included 53933
in the student's record. The record shall indicate that the 53934
credits were earned as a participant under this chapter and 53935
shall include the name of the college at which the credits were 53936
earned. 53937

Sec. 3365.15. The chancellor of higher education and the 53938
~~superintendent of public instruction~~ department of education and 53939
workforce jointly shall do all of the following: 53940

(A) Adopt data reporting guidelines specifying the types 53941
of data that public and participating nonpublic secondary 53942
schools and public and participating private colleges, including 53943

eligible out-of-state colleges participating in the program, 53944
must annually collect, report, and track under division (G) of 53945
section 3365.04 and division (H) of section 3365.05 of the 53946
Revised Code. The types of data shall include all of the 53947
following: 53948

(1) For each secondary school and college: 53949

(a) The number of participants disaggregated by grade 53950
level, socioeconomic status, race, gender, and disability; 53951

(b) The number of completed courses and credit hours, 53952
disaggregated by the college in which participants were 53953
enrolled; 53954

(c) The number of courses in which participants enrolled, 53955
disaggregated by subject area and level of difficulty. 53956

(2) For each secondary school, the number of students who 53957
were denied participation in the program under division (A) (1) 53958
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 53959
the Revised Code. Each participating nonpublic secondary school 53960
shall also include the number of students who were denied 53961
participation due to the student not being awarded funding by 53962
the department ~~of education~~ pursuant to section 3365.071 of the 53963
Revised Code. 53964

(3) For each college: 53965

(a) The number of students who applied to enroll in the 53966
college under the program but were not granted admission; 53967

(b) The average number of completed courses per 53968
participant; 53969

(c) The average grade point average for participants in 53970
college courses under the program. 53971

The guidelines adopted under this division shall also 53972
include policies and procedures for the collection, reporting, 53973
and tracking of such data. 53974

(B) Annually compile the data required under division (A) 53975
of this section. Not later than the thirty-first day of December 53976
of each year, the data from the previous school year shall be 53977
posted in a prominent location on both the chancellor of higher 53978
education's and the ~~department of education's~~ department's web 53979
sites. 53980

(C) Until December 2023, submit an annual report on 53981
outcomes of the college credit plus program that are supported 53982
by empirical evidence to the governor, the president of the 53983
senate, the speaker of the house of representatives, and the 53984
chairpersons of the education committees of the senate and house 53985
of representatives. The report shall include all of the 53986
following, disaggregated by cohort: 53987

(1) Number of degrees attained; 53988

(2) Level and type of degrees attained; 53989

(3) Number of students who receive a degree in two 53990
different subject areas; 53991

(4) Time to completion of a degree, disaggregated by level 53992
and type of degree attained; 53993

(5) Time to enrollment in a graduate or doctoral degree 53994
program; 53995

(6) The number of students who participate in a study 53996
abroad course; 53997

(7) How all of the measures described in division (C) of 53998
this section compare to both: 53999

(a) The overall student population who did not participate 54000
in the college credit plus program; 54001

(b) Any similar measures compiled under the former 54002
postsecondary enrollment options program, to the extent that 54003
such data is available. 54004

The first report shall be submitted not later than 54005
December 31, 2018, and each subsequent report shall be submitted 54006
not later than the thirty-first day of December each year 54007
thereafter until December 2023. 54008

(D) Establish a college credit plus advisory committee to 54009
assist in the development of performance metrics and the 54010
monitoring of the program's progress. At least one member of the 54011
advisory committee shall be a school guidance counselor. 54012

The chancellor shall also, in consultation with the 54013
~~superintendent~~ department, create a standard packet of 54014
information for the college credit plus program directed toward 54015
students and parents that are interested in the program. 54016

(E) The chancellor and the ~~state superintendent~~ department 54017
also may submit a biennial report detailing the status of the 54018
college credit plus program, including an analysis of quality 54019
assurance measures related to the program, to the governor, the 54020
president of the senate, the speaker of the house of 54021
representatives, and the chairpersons of the education 54022
committees of the senate and house of representatives. If the 54023
chancellor and ~~state superintendent~~ the department choose to 54024
jointly submit the biennial report, both of the following shall 54025
apply: 54026

(1) The report shall include only data available through 54027
the higher education information system administered by the 54028

chancellor. 54029

(2) The first report shall be submitted not later than 54030
December 31, 2017, and each subsequent report shall be submitted 54031
not later than the thirty-first day of December every two years 54032
thereafter. 54033

(F) For purposes of this section, "cohort" means a group 54034
of students who participated in the college credit plus program 54035
and who, upon graduation from high school, enroll in an Ohio 54036
institution of higher education during the same academic year. 54037

Sec. 3375.01. A state library board is hereby created to 54038
be composed of five members to be appointed by the ~~state board~~ 54039
director of education and workforce. One member shall be 54040
appointed each year for a term of five years. No one is eligible 54041
to membership on the state library board who is or has been for 54042
a year previous to appointment a member of the state board of 54043
education. A member of the state library board shall not during 54044
the member's term of office be a member of the board of library 54045
trustees for any library in any subdivision in the state. Before 54046
entering on official duties, each member shall subscribe to the 54047
official oath of office. All vacancies on the state library 54048
board shall be filled by the ~~state board of education~~ director 54049
by appointment for the unexpired term. The members shall receive 54050
no compensation, but shall be paid their actual and necessary 54051
expenses incurred in the performance of their duties or in the 54052
conduct of authorized board business, within or without the 54053
state. 54054

At its regular meeting next prior to the beginning of each 54055
fiscal biennium, the state library board shall elect a president 54056
and vice-president each of whom shall serve for two years or 54057
until a successor is elected and qualified. 54058

The state library board is responsible for the state library of Ohio and a statewide program of development and coordination of library services, and its powers include the following:

(A) Maintain the state library, holding custody of books, periodicals, pamphlets, films, recordings, papers, and other materials and equipment. The board may purchase or procure from an insurance company licensed to do business in this state policies of insurance insuring the members of the board and the officers, employees, and agents of the state library against liability on account of damage or injury to persons or property resulting from any act or omission of the board members, officers, employees, and agents of the state library in their official capacity.

(B) Accept, receive, administer, and expend, in accordance with the terms thereof, any moneys, materials, or other aid granted, appropriated, or made available to it for library purposes, by the United States, or any of its agencies, or by any other source, public or private;

(C) Administer such funds as the general assembly may make available to it for the improvement of public library services, interlibrary cooperation, or for other library purposes;

(D) Contract with other agencies, organizations, libraries, library schools, boards of education, universities, public and private, within or without the state, for library services, facilities, research, or any allied or related purpose;

(E) In accordance with Chapter 119. of the Revised Code, approve, disapprove, or modify resolutions for establishment of

county district libraries, and approve, disapprove, or modify 54088
resolutions to determine the boundaries of such districts, along 54089
county lines or otherwise, and approve, disapprove, or modify 54090
resolutions to redefine boundaries, along county lines or 54091
otherwise, where questions subsequently arise as a result of 54092
school district consolidations; 54093

(F) Upon consolidation of two or more school districts and 54094
in accordance with Chapter 119. of the Revised Code, define and 54095
adjust the boundaries of the new public library district 54096
resulting from such consolidation and resolve any disputes or 54097
questions pertaining to the boundaries, organization, and 54098
operation of the new library district; 54099

(G) Upon application of one or more boards of library 54100
trustees and in accordance with Chapter 119. of the Revised 54101
Code, define, amend, and adjust the boundaries of the library 54102
districts making such application and the boundaries of adjacent 54103
library districts; 54104

(H) Upon application of one or more boards of library 54105
trustees, or upon the state library board's own initiative, and 54106
in accordance with Chapter 119. of the Revised Code, define, 54107
amend, and adjust the boundaries of overlapping library 54108
districts to eliminate areas of overlap; 54109

(I) Upon application of any private corporation or library 54110
association maintaining a free public library prior to September 54111
4, 1947, and in accordance with Chapter 119. of the Revised 54112
Code, define, amend, and adjust the boundaries of a library 54113
district for the private corporation or library association for 54114
the sole purpose of preventing or eliminating areas of overlap 54115
with other library districts in relation to tax levies described 54116
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 54117

that are or may be levied in support of the private corporation	54118
or library association;	54119
(J) Certify its actions relating to boundaries authorized	54120
in this section, to boards of election, taxing authorities, the	54121
boards of trustees of libraries affected, and other appropriate	54122
bodies;	54123
(K) Encourage and assist the efforts of libraries and	54124
local governments to develop mutual and cooperative solutions to	54125
library service problems;	54126
(L) Recommend to the governor and to the general assembly	54127
such changes in the law as will strengthen and improve library	54128
services and operations;	54129
(M) In accordance with Chapter 119. of the Revised Code,	54130
adopt such rules as are necessary for the carrying out of any	54131
function imposed on it by law, and provide such rules as are	54132
necessary for its government and the government of its	54133
employees. The board may delegate to the state librarian the	54134
management and administration of any function imposed on it by	54135
law.	54136
Sec. 3701.507. (A) To assist in implementing sections	54137
3701.503 to 3701.509 of the Revised Code, the medically	54138
handicapped children's medical advisory council created in	54139
section 3701.025 of the Revised Code shall appoint a permanent	54140
infant hearing screening subcommittee. The subcommittee shall	54141
consist of the following members:	54142
(1) One otolaryngologist;	54143
(2) One neonatologist;	54144
(3) One pediatrician;	54145

(4) One neurologist;	54146
(5) One hospital administrator;	54147
(6) Two or more audiologists who are experienced in infant hearing screening and evaluation;	54148 54149
(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	54150 54151
(8) Two persons who are each a parent of a hearing-impaired child;	54152 54153
(9) One geneticist;	54154
(10) One epidemiologist;	54155
(11) One adult who is deaf or hearing impaired;	54156
(12) One representative from an organization for the deaf or hearing impaired;	54157 54158
(13) One family advocate;	54159
(14) One nurse from a well-baby neonatal nursery;	54160
(15) One nurse from a special care neonatal nursery;	54161
(16) One teacher of the deaf who works with infants and toddlers;	54162 54163
(17) One representative of the health insurance industry;	54164
(18) One representative of the bureau for children with medical handicaps;	54165 54166
(19) One representative of the department of education <u>and workforce</u> ;	54167 54168
(20) One representative of the department of medicaid;	54169

(21) Any other person the advisory council appoints.	54170
(B) The infant hearing subcommittee shall:	54171
(1) Consult with the director of health regarding the	54172
administration of sections 3701.503 to 3701.509 of the Revised	54173
Code;	54174
(2) Advise and make recommendations regarding proposed	54175
rules prior to their adoption by the director under section	54176
3701.508 of the Revised Code;	54177
(3) Consult with the director of health and advise and	54178
make recommendations regarding program development and	54179
implementation under sections 3701.503 to 3701.509 of the	54180
Revised Code, including all of the following:	54181
(a) Establishment under section 3701.504 of the Revised	54182
Code of the statewide hearing screening, tracking, and early	54183
intervention program to identify newborn and infant hearing	54184
impairment;	54185
(b) Identification of locations where hearing evaluations	54186
may be conducted;	54187
(c) Recommendations for methods and techniques of hearing	54188
screening and hearing evaluation;	54189
(d) Referral, data recording and compilation, and	54190
procedures to encourage follow-up hearing care;	54191
(e) Maintenance of a register of newborns and infants who	54192
do not pass the hearing screening;	54193
(f) Preparation of the information required by section	54194
3701.506 of the Revised Code.	54195
Sec. 3701.78. (A) There is hereby created the commission	54196

on minority health, consisting of twenty-one members. The 54197
governor shall appoint to the commission nine members from among 54198
health researchers, health planners, and health professionals. 54199
The governor also shall appoint two members who are 54200
representatives of the lupus awareness and education program. 54201
The speaker of the house of representatives shall appoint to the 54202
commission two members of the house of representatives, not more 54203
than one of whom is a member of the same political party, and 54204
the president of the senate shall appoint to the commission two 54205
members of the senate, not more than one of whom is a member of 54206
the same political party. The following shall be members of the 54207
commission: the directors of health, mental health and addiction 54208
services, developmental disabilities, and job and family 54209
services, or their designees; the medicaid director, or the 54210
director's designee; and the ~~superintendent of public~~ 54211
~~instruction~~director of education and workforce, or the 54212
~~superintendent's~~director's designee. 54213

The commission shall elect a chairperson from among its 54214
members. 54215

Of the members appointed by the governor, five shall be 54216
appointed to initial terms of one year, and four shall be 54217
appointed to initial terms of two years. Thereafter, all members 54218
appointed by the governor shall be appointed to terms of two 54219
years. All members of the commission appointed by the speaker of 54220
the house of representatives or the president of the senate 54221
shall be nonvoting members of the commission and be appointed 54222
within thirty days after the commencement of the first regular 54223
session of each general assembly, and shall serve until the 54224
expiration of the session of the general assembly during which 54225
they were appointed. 54226

Members of the commission shall serve without 54227
compensation, but shall be reimbursed for the actual and 54228
necessary expenses they incur in the performance of their 54229
official duties. 54230

(B) The commission shall promote health and the prevention 54231
of disease among members of minority groups. Each year the 54232
commission shall distribute grants from available funds to 54233
community-based health groups to be used to promote health and 54234
the prevention of disease among members of minority groups. As 54235
used in this division, "minority group" means any of the 54236
following economically disadvantaged groups: Blacks, American 54237
Indians, Hispanics, and Orientals. The commission shall adopt 54238
and maintain rules pursuant to Chapter 119. of the Revised Code 54239
to provide for the distribution of these grants. No group shall 54240
qualify to receive a grant from the commission unless it 54241
receives at least twenty per cent of its funds from sources 54242
other than grants distributed under this section. 54243

(C) The commission may appoint such employees as it 54244
considers necessary to carry out its duties under this section. 54245
The department of health shall provide office space for the 54246
commission. 54247

(D) The commission shall meet at the call of its 54248
chairperson to conduct its official business. A majority of the 54249
voting members of the commission constitute a quorum. The votes 54250
of at least eight voting members of the commission are necessary 54251
for the commission to take any official action or to approve the 54252
distribution of grants under this section. 54253

Sec. 3705.36. Three years after the date a birth defects 54254
information system is implemented pursuant to section 3705.30 of 54255
the Revised Code, and annually thereafter, the department of 54256

health shall prepare a report regarding the birth defects 54257
information system. The department shall file the report with 54258
the governor, the president and minority leader of the senate, 54259
the speaker and minority leader of the house of representatives, 54260
the departments of developmental disabilities, education and 54261
workforce, and job and family services, the commission on 54262
minority health, and the news media. 54263

Sec. 3707.58. (A) As used in this section: 54264

(1) "Youth athlete" means an individual who wishes to 54265
practice for or compete in athletic activities organized by a 54266
youth sports organization; 54267

(2) "Youth sports organization" has the same meaning as in 54268
section 3707.51 of the Revised Code. 54269

(B) Prior to the start of each athletic season, a youth 54270
sports organization that is subject to this section may hold an 54271
informational meeting for youth athletes, parents, guardians, 54272
other persons having care or charge of a youth athlete, 54273
physicians, pediatric cardiologists, athletic trainers, and any 54274
other persons regarding the symptoms and warning signs of sudden 54275
cardiac arrest for all ages of youth athletes. 54276

(C) No youth athlete shall participate in an athletic 54277
activity organized by a youth sports organization until the 54278
youth athlete has submitted to a designated official of the 54279
youth sports organization a form signed by the youth athlete and 54280
the parent, guardian, or other person having care or charge of 54281
the youth athlete stating that the youth athlete and the parent, 54282
guardian, or other person having care or charge of the youth 54283
athlete have received and reviewed a copy of the information 54284
developed by the ~~departments~~ department of health and the 54285

department of education and workforce and posted on their 54286
respective internet web sites as required by section 3707.59 of 54287
the Revised Code. A completed form shall be submitted each 54288
calendar year to each youth sports organization that organizes 54289
an athletic activity in which the youth athlete participates. 54290

(D) No individual shall coach an athletic activity 54291
organized by a youth sports organization unless the individual 54292
has completed, on an annual basis, the sudden cardiac arrest 54293
training course approved by the department of health under 54294
division (C) of section 3707.59 of the Revised Code. 54295

(E) (1) A youth athlete shall not be allowed to participate 54296
in an athletic activity organized by a youth sports organization 54297
if either of the following is the case: 54298

(a) The youth athlete's biological parent, biological 54299
sibling, or biological child has previously experienced sudden 54300
cardiac arrest, and the youth athlete has not been evaluated and 54301
cleared for participation in an athletic activity organized by a 54302
youth sports organization by a physician authorized under 54303
Chapter 4731. of the Revised Code to practice medicine and 54304
surgery or osteopathic medicine and surgery. 54305

(b) The youth athlete is known to have exhibited syncope 54306
or fainting at any time prior to or following an athletic 54307
activity and has not been evaluated and cleared for return under 54308
division (E) (3) of this section after exhibiting syncope or 54309
fainting. 54310

(2) A youth athlete shall be removed by the youth 54311
athlete's coach from participation in an athletic activity 54312
organized by a youth sports organization if the youth athlete 54313
exhibits syncope or fainting. 54314

(3) If a youth athlete is not allowed to participate in or
is removed from participation in an athletic activity organized
by a youth sports organization under division (E) (1) or (2) of
this section, the youth athlete shall not be allowed to return
to participation until the youth athlete is evaluated and
cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery or osteopathic
medicine and surgery, including a physician who specializes in
cardiology;

(b) A certified nurse practitioner, clinical nurse
specialist, or certified nurse-midwife who holds a certificate
of authority issued under Chapter 4723. of the Revised Code.

The licensed health care providers specified in divisions
(E) (3) (a) and (b) of this section may consult with any other
licensed or certified health care providers in order to
determine whether a youth athlete is ready to return to
participation.

(F) A youth sports organization that is subject to this
section shall establish penalties for a coach who violates the
provisions of division (E) of this section.

(G) (1) A youth sports organization or official, employee,
or volunteer of a youth sports organization, including a coach,
is not liable in damages in a civil action for injury, death, or
loss to person or property allegedly arising from providing
services or performing duties under this section, unless the act
or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any
other immunity or defense that a public entity, public official,

or public employee may be entitled to under Chapter 2744. or any 54344
other provision of the Revised Code or under the common law of 54345
this state. 54346

Sec. 3707.59. (A) As used in this section: 54347

(1) "Athletic activity" means both of the following: 54348

(a) An athletic activity, as defined in section 3313.5310 54349
of the Revised Code; 54350

(b) An athletic activity organized by a youth sports 54351
organization. 54352

(2) "Youth athlete" and "youth sports organization" have 54353
the same meanings as in section 3707.58 of the Revised Code. 54354

(B) The department of health and the department of 54355
education and workforce jointly shall develop and shall post on 54356
their respective internet web sites guidelines and other 54357
relevant materials to inform and educate students and youth 54358
athletes participating in or desiring to participate in an 54359
athletic activity, their parents, and their coaches about the 54360
nature and warning signs of sudden cardiac arrest. These 54361
guidelines and materials shall address the risks associated with 54362
continuing to participate in an athletic activity after 54363
experiencing one or more symptoms of sudden cardiac arrest, such 54364
as fainting, difficulty breathing, chest pains, dizziness, and 54365
an abnormal racing heart rate. In developing guidelines and 54366
other relevant materials under this division, the department of 54367
health and the department of education and workforce shall 54368
consult with the Ohio chapter of the American college of 54369
cardiology and with an interscholastic conference or an 54370
organization that regulates interscholastic athletic competition 54371
and conducts interscholastic athletic events. 54372

In developing guidelines and materials under this 54373
division, the departments may utilize existing materials 54374
developed by the parent heart watch organization, the sudden 54375
arrhythmia death syndromes foundation, and any other 54376
organizations deemed appropriate by the departments. 54377

(C) For purposes of the training required for a coach of 54378
an athletic activity under division (D) of section 3313.5310 or 54379
division (D) of section 3707.58 of the Revised Code, the 54380
department of health shall approve a sudden cardiac arrest 54381
training course offered by an outside entity. 54382

Sec. 3734.62. On and after ~~the effective date of this~~ 54383
~~section~~ April 6, 2007, no school district or educational service 54384
center established under Chapter 3311. of the Revised Code, 54385
community school established under Chapter 3314. of the Revised 54386
Code, or nonpublic school for which the ~~state board~~ director of 54387
education and workforce prescribes standards under section 54388
3301.07 of the Revised Code and no employee of such a school 54389
district, educational service center, community school, or 54390
nonpublic school shall purchase mercury or a mercury-added 54391
measuring device for classroom use. 54392

If a school district, educational service center, 54393
community school, or nonpublic school or an employee of a school 54394
district, educational service center, community school, or 54395
nonpublic school purchases mercury or a mercury-added measuring 54396
device for classroom use on or after ~~the effective date of this~~ 54397
~~section~~ April 6, 2007, in violation of this section, but 54398
properly recycles or disposes of the mercury or mercury-added 54399
measuring device upon learning of or being informed of the 54400
violation and creates and implements a mercury reduction plan, 54401
the director of environmental protection shall consider the 54402

recycling or disposal of the mercury or mercury-added measuring 54403
device and the implementation of and compliance with the mercury 54404
reduction plan as mitigating circumstances for purposes of 54405
enforcement of a violation of this section. 54406

Sec. 3737.22. (A) The fire marshal shall do all of the 54407
following: 54408

(1) Adopt the state fire code under sections 3737.82 to 54409
3737.86 of the Revised Code; 54410

(2) Enforce the state fire code; 54411

(3) Appoint assistant fire marshals who are authorized to 54412
enforce the state fire code; 54413

(4) Conduct investigations into the cause, origin, and 54414
circumstances of fires and explosions, and assist in the 54415
prosecution of persons believed to be guilty of arson or a 54416
similar crime; 54417

(5) Compile statistics concerning loss due to fire and 54418
explosion as the fire marshal considers necessary, and consider 54419
the compatibility of the fire marshal's system of compilation 54420
with the systems of other state and federal agencies and fire 54421
marshals of other states; 54422

(6) Engage in research on the cause and prevention of 54423
losses due to fire and explosion; 54424

(7) Engage in public education and informational 54425
activities which will inform the public of fire safety 54426
information; 54427

(8) Operate a fire training academy and forensic 54428
laboratory; 54429

(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety; 54430
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(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code; 54433
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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; 54435
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(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates; 54440
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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; 54443
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(14) Administer and enforce Chapter 3743. of the Revised Code; 54449
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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. 54451
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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 54455
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possess five years of recent, progressively more responsible 54459
experience in fire inspection, fire code enforcement, and fire 54460
code management. The chief deputy, with the approval of the 54461
director of commerce, shall temporarily assume the duties of the 54462
fire marshal when the fire marshal is absent or temporarily 54463
unable to carry out the duties of the office. When there is a 54464
vacancy in the office of fire marshal, the chief deputy, with 54465
the approval of the director of commerce, shall temporarily 54466
assume the duties of the fire marshal until a new fire marshal 54467
is appointed under section 3737.21 of the Revised Code. 54468

All employees, other than the fire marshal; the chief 54469
deputy fire marshal; the superintendent of the Ohio fire 54470
academy; the grants administrator; the fiscal officer; the 54471
executive secretary to the fire marshal; legal counsel; the 54472
pyrotechnics administrator, the chief of the forensic 54473
laboratory; the person appointed by the fire marshal to serve as 54474
administrator over functions concerning testing, license 54475
examinations, and the issuance of permits and certificates; and 54476
the chiefs of the bureaus of fire prevention, of fire and 54477
explosion investigation, of code enforcement, and of underground 54478
storage tanks shall be in the classified civil service. The fire 54479
marshal shall authorize the chief deputy and other employees 54480
under the fire marshal's supervision to exercise powers granted 54481
to the fire marshal by law as may be necessary to carry out the 54482
duties of the fire marshal's office. 54483

(C) The fire marshal shall create, in and as a part of the 54484
office of fire marshal, a fire and explosion investigation 54485
bureau consisting of a chief of the bureau and additional 54486
assistant fire marshals as the fire marshal determines necessary 54487
for the efficient administration of the bureau. The chief shall 54488
be experienced in the investigation of the cause, origin, and 54489

circumstances of fires, and in administration, including the supervision of subordinates. The chief, among other duties delegated to the chief by the fire marshal, shall be 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 54520
chief of the bureau and additional assistant fire marshals as 54521
the fire marshal determines necessary for the efficient 54522
administration of the bureau. The chief shall be qualified, by 54523
education or experience, to promote programs for rural and urban 54524
fire prevention and protection. The chief, among other duties 54525
delegated to the chief by the fire marshal, is responsible, 54526
under the direction of the fire marshal, for the promotion of 54527
rural and urban fire prevention and protection through public 54528
information and education programs. 54529

(F) The fire marshal shall cooperate with the director of 54530
job and family services when the director adopts rules under 54531
section 5104.052 of the Revised Code regarding fire prevention 54532
and fire safety in licensed type B family day-care homes, as 54533
defined in section 5104.01 of the Revised Code, recommend 54534
procedures for inspecting type B homes to determine whether they 54535
are in compliance with those rules, and provide training and 54536
technical assistance to the director and county directors of job 54537
and family services on the procedures for determining compliance 54538
with those rules. 54539

(G) The fire marshal, upon request of a provider of child 54540
care in a type B home that is not licensed by the director of 54541
job and family services, as a precondition of approval by the 54542
~~state board~~ department of education and workforce under section 54543
3313.813 of the Revised Code for receipt of United States 54544
department of agriculture child and adult care food program 54545
funds established under the "National School Lunch Act," 60 54546
Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the 54547
type B home to determine compliance with rules adopted under 54548
section 5104.052 of the Revised Code regarding fire prevention 54549
and fire safety in licensed type B homes. In municipal 54550

corporations and in townships where there is a certified fire 54551
safety inspector, the inspections shall be made by that 54552
inspector under the supervision of the fire marshal, according 54553
to rules adopted under section 5104.052 of the Revised Code. In 54554
townships outside municipal corporations where there is no 54555
certified fire safety inspector, inspections shall be made by 54556
the fire marshal. 54557

Sec. 3742.32. (A) The director of health shall appoint an 54558
advisory council to assist in the ongoing development and 54559
implementation of the child lead poisoning prevention program 54560
created under section 3742.31 of the Revised Code. The advisory 54561
council shall consist of the following members: 54562

(1) A representative of the department of medicaid; 54563

(2) A representative of the bureau of child care in the 54564
department of job and family services; 54565

(3) A representative of the department of environmental 54566
protection; 54567

(4) A representative of the department of education and 54568
workforce; 54569

(5) A representative of the development services agency; 54570

(6) A representative of the Ohio apartment owner's 54571
association; 54572

(7) A representative of the Ohio healthy homes network; 54573

(8) A representative of the Ohio environmental health 54574
association; 54575

(9) An Ohio representative of the American coatings 54576
association; 54577

- (10) A representative from Ohio realtors; 54578
- (11) A representative of the Ohio housing finance agency; 54579
- (12) A physician knowledgeable in the field of lead poisoning prevention; 54580
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- (13) A representative of the public. 54582
- (B) The advisory council shall do both of the following: 54583
- (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; 54584
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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. 54588
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- (C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 54591
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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 54593
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with the advice and consent of the senate. Of the members 54606
appointed by the governor, two shall be from statewide 54607
environmental advocacy organizations, one shall represent the 54608
interests of the industrial community in this state, one shall 54609
represent the interests of employers in this state with one 54610
hundred fifty or fewer employees, one shall represent municipal 54611
corporations, and one shall represent the interests of 54612
elementary and secondary school teachers in this state. Within 54613
thirty days after October 1, 1990, the appointing authorities 54614
shall make their initial appointments to the council. The 54615
initial appointment to the council by the ~~Ohio board of regents-~~ 54616
chancellor shall be for a term ending two years after October 1, 54617
1990. Of the initial appointments made to the council by the 54618
governor, three shall be for a term ending one year after 54619
October 1, 1990, and three shall be for a term ending two years 54620
after October 1, 1990. Thereafter, the terms of office of the 54621
members appointed by the ~~Ohio board of regents-~~ 54622
chancellor and 54623
the governor shall be for two years, with each term ending on 54624
the same day of the same month as the term that it succeeds. 54625
Each member shall hold office from the date of appointment until 54626
the end of the term for which the member was appointed. Members 54627
may be reappointed. Vacancies shall be filled in the manner 54628
provided for original appointments. Any member appointed to fill 54629
a vacancy occurring prior to the expiration date of the term for 54630
which the member's predecessor was appointed shall hold office 54631
as a member of the board of trustees for the remainder of that 54632
term. A member of the council appointed by the ~~Ohio board of~~ 54633
~~regents-~~ chancellor or the governor shall continue in office 54634
subsequent to the expiration date of the member's term until the 54635
member's successor takes office or until a period of sixty days 54636
has elapsed, whichever occurs first.

The council shall hold at least two regular, semiannual meetings each year. Special meetings may be held at the behest of the chairperson or a majority of the members. The director of environmental protection shall serve as the chairperson of the council. The council annually shall select from among its members a vice-chairperson and a secretary to keep a record of its proceedings. A majority vote of the members of the council is necessary to take action on any matter.

Serving as a member of the council does not constitute holding a public office or a position of employment under the laws of this state and does not constitute grounds for the removal of public officers or employees from their offices or positions of employment. The ~~Ohio board of regents~~ chancellor may at any time remove a member of the council appointed by ~~it~~ the chancellor for misfeasance, malfeasance, or nonfeasance in office. The governor may at any time remove a member of the council appointed by the governor for misfeasance, malfeasance, or nonfeasance in office.

Members of the council appointed by the ~~Ohio board of regents~~ chancellor and the governor shall serve without compensation. Members of the council shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council from moneys credited to the environmental education fund created in section 3745.22 of the Revised Code.

(B) The council shall advise and assist the director of environmental protection in the implementation and administration of section 3745.22 of the Revised Code and shall review and comment on all expenditures from the fund proposed by the director.

(C) The council may adopt bylaws for the regulation and 54667
conduct of the council's affairs and may propose to the director 54668
of environmental protection expenditures from the fund. 54669

Sec. 3781.106. (A) As used in this section: 54670

(1) "Institution of higher education" means a state 54671
institution of higher education as defined in section 3345.011 54672
of the Revised Code, a private nonprofit college or university 54673
located in this state that possesses a certificate of 54674
authorization issued pursuant to Chapter 1713. of the Revised 54675
Code, or a school located in this state that possesses a 54676
certificate of registration and one or more program 54677
authorizations issued by the state board of career colleges and 54678
schools under Chapter 3332. of the Revised Code. 54679

(2) "Nonresidential building" means a building or 54680
structure, or part of a building or structure, not occupied in 54681
whole or in part for the purpose of human habitation, and 54682
includes the lands and premises appurtenant and all of the 54683
outbuildings, fences, or erections thereon or therein. 54684
"Nonresidential building" does not include an institution of 54685
higher education, private school, or public school, as defined 54686
in this section. 54687

(3) "Owner" means an individual or entity possessing title 54688
to a nonresidential building or an authorized agent of the 54689
owner. 54690

(4) "Private school" means a chartered nonpublic school or 54691
a nonchartered nonpublic school. 54692

(5) "Public school" means any school operated by a school 54693
district board of education, any community school established 54694
under Chapter 3314. of the Revised Code, any STEM school 54695

established under Chapter 3326. of the Revised Code, and any 54696
college-preparatory boarding school established under Chapter 54697
3328. of the Revised Code. 54698

(6) "School building" means a structure used for the 54699
instruction of students by a public or private school or 54700
institution of higher education. 54701

(B) (1) The board of building standards shall adopt rules, 54702
in accordance with Chapter 119. of the Revised Code, for the use 54703
of a device by a staff member of a public or private school or 54704
institution of higher education that prevents both ingress and 54705
egress through a door in a school building, for a finite period 54706
of time, in an emergency situation, and during active shooter 54707
drills. The rules shall provide that the use of a device is 54708
permissible only if the device requires minimal steps to remove 54709
it after it is engaged. 54710

The rules shall provide that the administrative authority 54711
of a building notify the police chief, or equivalent, of the law 54712
enforcement agency that has jurisdiction over the building, and 54713
the fire chief, or equivalent, of the fire department that 54714
serves the political subdivision in which the building is 54715
located, prior to the use of such devices in a building. 54716

The rules may require that the device be visible from the 54717
exterior of the door. 54718

(2) The device described in division (B) (1) of this 54719
section shall not be permanently mounted to the door. 54720

(3) Each public and private school and institution of 54721
higher education shall provide its staff members in-service 54722
training on the use of the device described in division (B) (1) 54723
of this section. The school shall maintain a record verifying 54724

this training on file. 54725

(4) In consultation with the ~~state board~~ department of 54726
education and workforce and the chancellor of higher education, 54727
the board shall determine and include in the rules a definition 54728
of "emergency situation." These rules shall apply to both 54729
existing and new school buildings. 54730

(C) (1) The board of building standards shall adopt rules, 54731
in accordance with Chapter 119. of the Revised Code, for the use 54732
of a device by the owner, or a person authorized by the owner, 54733
of a nonresidential building that prevents both ingress and 54734
egress through a door in the building, for a finite period of 54735
time, in an emergency situation, and during active shooter 54736
drills. The rules shall provide that the use of a device is 54737
permissible only if the device requires minimal steps to remove 54738
it after it is engaged. 54739

The rules shall require the owner of a building notify the 54740
police chief, or equivalent, of the law enforcement agency that 54741
has jurisdiction over the building, and the fire chief, or 54742
equivalent, of the fire department that serves the political 54743
subdivision in which the building is located, prior to the use 54744
of such devices in a building. 54745

The rules may require that the device be visible from the 54746
exterior of the door. 54747

(2) The device described in division (C) (1) of this 54748
section shall not be permanently mounted to the door. 54749

(3) Each owner of a nonresidential building shall provide 54750
any person that may use the device described in division (C) (1) 54751
of this section training on the use of the device. The owner of 54752
the building shall maintain a record verifying this training on 54753

file. 54754

(4) The board shall determine and include in the rules a definition of "emergency situation" for purposes of division (C) (1) of this section. These rules shall apply to both existing and new nonresidential buildings. 54755
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(D) Any provision of the state fire code that is in conflict with this section or section 3737.84 of the Revised Code is unenforceable. 54759
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Sec. 3781.11. (A) The rules of the board of building standards shall: 54762
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(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code; 54764
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(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability; 54771
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(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; 54775
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(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial

compliance in the department of commerce, division of the state 54811
fire marshal, the department of health, and of counties and 54812
townships, in all cases where such orders, standards, or rules 54813
are in conflict with the rules of the board, except that rules 54814
adopted and orders issued by the state fire marshal pursuant to 54815
Chapter 3743. of the Revised Code prevail in the event of a 54816
conflict. 54817

(C) The construction, alteration, erection, and repair of 54818
buildings including industrialized units, and the materials and 54819
devices of any kind used in connection with them and the heating 54820
and ventilating of them and the plumbing and electric wiring in 54821
them shall conform to the statutes of this state or the rules 54822
adopted and promulgated by the board, and to provisions of local 54823
ordinances not inconsistent therewith. Any building, structure, 54824
or part thereof, constructed, erected, altered, manufactured, or 54825
repaired not in accordance with the statutes of this state or 54826
with the rules of the board, and any building, structure, or 54827
part thereof in which there is installed, altered, or repaired 54828
any fixture, device, and material, or plumbing, heating, or 54829
ventilating system, or electric wiring not in accordance with 54830
such statutes or rules is a public nuisance. 54831

(D) As used in this section: 54832

(1) "Nonpublic school" means a chartered school for which 54833
minimum standards are prescribed by the ~~state board~~ director of 54834
education and workforce pursuant to division (D) of section 54835
3301.07 of the Revised Code. 54836

(2) "Workshop or factory" includes manufacturing, 54837
mechanical, electrical, mercantile, art, and laundering 54838
establishments, printing, telegraph, and telephone offices, 54839
railroad depots, and memorial buildings, but does not include 54840

hotels and tenement and apartment houses.	54841
Sec. 3798.01. As used in this chapter:	54842
(A) "Administrative safeguards," "physical safeguards,"	54843
and "technical safeguards" have the same meanings as in 45	54844
C.F.R. 164.304.	54845
(B) "Covered entity," "disclosure," "health care	54846
provider," "health information," "individually identifiable	54847
health information," "protected health information," and "use"	54848
have the same meanings as in 45 C.F.R. 160.103.	54849
(C) "Designated record set" has the same meaning as in 45	54850
C.F.R. 164.501.	54851
(D) "Direct exchange" means the activity of electronic	54852
transmission of health information through a direct connection	54853
between the electronic record systems of health care providers	54854
without the use of a health information exchange.	54855
(E) "Health care component" and "hybrid entity" have the	54856
same meanings as in 45 C.F.R. 164.103.	54857
(F) "Health information exchange" means any person or	54858
governmental entity that provides in this state a technical	54859
infrastructure to connect computer systems or other electronic	54860
devices used by covered entities to facilitate the secure	54861
transmission of health information. "Health information	54862
exchange" excludes health care providers engaged in direct	54863
exchange, including direct exchange through the use of a health	54864
information service provider.	54865
(G) "HIPAA privacy rule" means the standards for privacy	54866
of individually identifiable health information in 45 C.F.R.	54867
part 160 and in 45 C.F.R. part 164, subparts A and E.	54868

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(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;	54898
(3) The department of mental health and addiction services;	54899 54900
(4) The department of developmental disabilities;	54901
(5) The department of education <u>and workforce</u> ;	54902
(6) The department of health;	54903
(7) The department of insurance;	54904
(8) The department of job and family services;	54905
(9) The department of medicaid;	54906
(10) The department of rehabilitation and correction;	54907
(11) The department of youth services;	54908
(12) The bureau of workers' compensation;	54909
(13) The opportunities for Ohioans with disabilities agency;	54910 54911
(14) The office of the attorney general;	54912
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	54913 54914 54915
Sec. 4109.01. As used in this chapter:	54916
(A) "Employ" means to permit or suffer to work.	54917
(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.	54918 54919
(C) "Enforcement official" means the director of commerce or the director's authorized representative, the superintendent	54920 54921

~~of public instruction~~ director of education and workforce or the 54922
~~superintendent's~~ director's authorized representative, any 54923
school attendance officer, any probation officer, the director 54924
of health or the director of health's authorized representative, 54925
and any representative of a local department of health. 54926

(D) "Minor" means any person less than eighteen years of 54927
age. 54928

(E) "Seasonal amusement or recreational establishment" 54929
means both of the following: 54930

(1) An amusement or recreational establishment that does 54931
not operate for more than seven months in any calendar year; 54932

(2) An amusement or recreational establishment whose 54933
average receipts for any six months during the preceding 54934
calendar year were not more than thirty-three and one-third per 54935
cent of its average receipts for the other six months of that 54936
calendar year. 54937

Sec. 4109.06. (A) This chapter does not apply to the 54938
following: 54939

(1) Minors who are students working on any properly 54940
guarded machines in the manual training department of any school 54941
when the work is performed under the personal supervision of an 54942
instructor; 54943

(2) Students participating in a career-technical or STEM 54944
program approved by the Ohio department of education and 54945
workforce or students participating in any eligible classes 54946
through the college credit plus program established under 54947
Chapter 3365. of the Revised Code that include a state- 54948
recognized pre-apprenticeship program that imparts the skills 54949
and knowledge needed for successful participation in a 54950

registered apprenticeship occupation course;	54951
(3) A minor participating in a play, pageant, or concert	54952
produced by an outdoor historical drama corporation, a	54953
professional traveling theatrical production, a professional	54954
concert tour, or a personal appearance tour as a professional	54955
motion picture star, or as an actor or performer in motion	54956
pictures or in radio or television productions in accordance	54957
with the rules adopted pursuant to division (A) of section	54958
4109.05 of the Revised Code;	54959
(4) The participation, without remuneration of a minor and	54960
with the consent of a parent or guardian, in a performance given	54961
by a church, school, or academy, or at a concert or	54962
entertainment given solely for charitable purposes, or by a	54963
charitable or religious institution;	54964
(5) Minors who are employed by their parents in	54965
occupations other than occupations prohibited by rule adopted	54966
under this chapter;	54967
(6) Minors engaged in the delivery of newspapers to the	54968
consumer;	54969
(7) Minors who have received a high school diploma or a	54970
certificate of attendance from an accredited secondary school or	54971
a certificate of high school equivalence;	54972
(8) Minors who are currently heads of households or are	54973
parents contributing to the support of their children;	54974
(9) Minors engaged in lawn mowing, snow shoveling, and	54975
other related employment;	54976
(10) Minors employed in agricultural employment in	54977
connection with farms operated by their parents, grandparents,	54978

or guardians where they are members of the guardians' household. 54979
Minors are not exempt from this chapter if they reside in 54980
agricultural labor camps as defined in section 3733.41 of the 54981
Revised Code; 54982

(11) Students participating in a program to serve as 54983
precinct officers as authorized by section 3501.22 of the 54984
Revised Code. 54985

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 54986
Revised Code do not apply to the following: 54987

(1) Minors who work in a sheltered workshop operated by a 54988
county board of developmental disabilities; 54989

(2) Minors performing services for a nonprofit 54990
organization where the minor receives no compensation, except 54991
for any expenses incurred by the minor or except for meals 54992
provided to the minor; 54993

(3) Minors who are employed in agricultural employment and 54994
who do not reside in agricultural labor camps. 54995

(C) Division (D) of section 4109.07 of the Revised Code 54996
does not apply to minors who have their employment hours 54997
established as follows: 54998

(1) A minor adjudicated to be an unruly child or 54999
delinquent child who, as a result of the adjudication, is placed 55000
on probation may either file a petition in the juvenile court in 55001
whose jurisdiction the minor resides, or apply to the 55002
superintendent or to the chief administrative officer who issued 55003
the minor's age and schooling certificate pursuant to section 55004
3331.01 of the Revised Code, alleging the restrictions on the 55005
hours of employment described in division (D) of section 4109.07 55006
of the Revised Code will cause a substantial hardship or are not 55007

in the minor's best interests. Upon receipt of a petition or 55008
application, the court, the superintendent, or the chief 55009
administrative officer, as appropriate, shall consult with the 55010
person required to supervise the minor on probation. If after 55011
that consultation, the court, the superintendent, or the chief 55012
administrative officer finds the minor has failed to show the 55013
restrictions will result in a substantial hardship or that the 55014
restrictions are not in the minor's best interests, the court, 55015
the superintendent, or the chief administrative officer shall 55016
uphold the restrictions. If after that consultation, the court, 55017
the superintendent, or the chief administrative officer finds 55018
the minor has shown the restricted hours will cause a 55019
substantial hardship or are not in the minor's best interests, 55020
the court, the superintendent, or the chief administrative 55021
officer shall establish differing hours of employment for the 55022
minor and notify the minor and the minor's employer of those 55023
hours, which shall be binding in lieu of the restrictions on the 55024
hours of employment described in division (D) of section 4109.07 55025
of the Revised Code. 55026

(2) Any minor to whom division (C) (1) of this section does 55027
not apply may either file a petition in the juvenile court in 55028
whose jurisdiction the person resides, or apply to the 55029
superintendent or to the chief administrative officer who issued 55030
the minor's age and schooling certificate pursuant to section 55031
3331.01 of the Revised Code, alleging the restrictions on the 55032
hours of employment described in division (D) of section 4109.07 55033
of the Revised Code will cause a substantial hardship or are not 55034
in the minor's best interests. 55035

If, as a result of a petition or application, the court, 55036
the superintendent, or the chief administrative officer, as 55037
appropriate, finds the minor has failed to show such 55038

restrictions will result in a substantial hardship or that the 55039
restrictions are not in the minor's best interests, the court, 55040
the superintendent, or the chief administrative officer shall 55041
uphold the restrictions. If the court, the superintendent, or 55042
the chief administrative officer finds the minor has shown the 55043
restricted hours will cause a substantial hardship or are not in 55044
the minor's best interests, the court, the superintendent, or 55045
the chief administrative officer shall establish the hours of 55046
employment for the minor and shall notify the minor and the 55047
minor's employer of those hours. 55048

(D) Section 4109.03, divisions (A) and (C) of section 55049
4109.02, and division (B) of section 4109.08 of the Revised Code 55050
do not apply to minors who are sixteen or seventeen years of age 55051
and who are employed at a seasonal amusement or recreational 55052
establishment. 55053

(E) As used in this section, "certificate of high school 55054
equivalence" means either: 55055

(1) A statement issued by the department of education and 55056
workforce that the holder of the statement has achieved the 55057
equivalent of a high school education as measured by scores 55058
obtained on a high school equivalency test approved by the 55059
department pursuant to division (B) of section 3301.80 of the 55060
Revised Code; 55061

(2) A statement issued by a primary-secondary education or 55062
higher education agency of another state that the holder of the 55063
statement has achieved the equivalent of a high school education 55064
as measured by scores obtained on a similar nationally 55065
recognized high school equivalency test. 55066

Sec. 4109.07. (A) No person under sixteen years of age 55067

shall be employed:	55068
(1) During school hours except where specifically permitted by this chapter;	55069 55070
(2) Before seven a.m.;	55071
(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;	55072 55073 55074 55075
(4) For more than three hours a day in any school day;	55076
(5) For more than eighteen hours in any week while school is in session;	55077 55078
(6) For more than eight hours in any day which is not a school day;	55079 55080
(7) For more than forty hours in any week that school is not in session.	55081 55082
(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> .	55083 55084 55085 55086 55087 55088 55089
(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.	55090 55091 55092 55093
(D) No person sixteen or seventeen years of age who is	55094

required to attend school under Chapter 3321. of the Revised 55095
Code shall be employed: 55096

(1) Before seven a.m. on any day that school is in 55097
session, except such person may be employed after six a.m. if 55098
the person was not employed after eight p.m. the previous night; 55099

(2) After eleven p.m. on any night preceding a day that 55100
school is in session. 55101

(E) As used in this section, "school" refers to either a 55102
school the child actually attends or a school he is required to 55103
attend pursuant to Chapter 3321. of the Revised Code. 55104

Sec. 4109.22. (A) As used in this section: 55105

(1) "Manufacturing occupation" means employment that 55106
consists of the mechanical, physical, or chemical transformation 55107
of materials, substances, or components into new products for 55108
sale, including the assembling of component parts into a 55109
finished product. 55110

(2) Notwithstanding the definition of "employer" in 55111
section 4109.01 of the Revised Code, "employer" means every 55112
person who employs any individual in a manufacturing occupation. 55113

(B) There is hereby created the manufacturing mentorship 55114
program to expose minors who are sixteen or seventeen years of 55115
age to manufacturing occupations in this state through temporary 55116
employment with an employer. An employer employing a minor under 55117
the mentorship program shall do all of the following: 55118

(1) Determine the duration of the minor's employment; 55119

(2) Assign the minor a mentor to provide direct and close 55120
supervision while the minor is engaged in any workplace 55121
activity; 55122

- (3) Provide the minor with the training described in 55123
division (C) of this section; 55124
- (4) Encourage the minor to participate in a career- 55125
technical education program approved by the department of 55126
education and workforce if the minor is not participating in a 55127
career-technical education program when the minor begins 55128
employment; 55129
- (5) Comply with all applicable state and federal laws and 55130
regulations relating to the employment of minors. 55131
- (C) (1) An employer employing a minor who is sixteen or 55132
seventeen years of age in a manufacturing occupation under the 55133
mentorship program shall provide the minor with training that 55134
includes all of the following: 55135
- (a) A ten-hour course in general industry safety and 55136
health hazard recognition and prevention approved by the 55137
occupational safety and health administration of the United 55138
States department of labor; 55139
- (b) Instructions on how to operate the specific tools the 55140
minor will use during the minor's employment; 55141
- (c) The general safety and health hazards to which the 55142
minor may be exposed at the minor's workplace; 55143
- (d) The value of safety and management commitment; 55144
- (e) Information on the employer's drug testing policy. 55145
- (2) For purposes of division (C) (1) (a) of this section, a 55146
minor may participate in a thirty-hour course in general 55147
industry safety and health hazard recognition and prevention 55148
approved by the occupational safety and health administration if 55149
the minor has already successfully completed a ten-hour course. 55150

(3) The employer shall pay any costs associated with 55151
providing the training required by division (C) (1) or permitted 55152
under division (C) (2) of this section. 55153

(4) An employer is not required to provide the training 55154
described in division (C) (1) or (2) of this section if the minor 55155
presents proof of completing the training during the six-month 55156
period immediately before beginning employment with the 55157
employer. 55158

(D) The director of commerce, in consultation with 55159
employers, shall adopt rules in accordance with Chapter 119. of 55160
the Revised Code specifying a list of the tools that a minor who 55161
is sixteen or seventeen years of age who is employed under the 55162
mentorship program may operate during the minor's employment in 55163
a manufacturing occupation. The director shall use the manual 55164
issued by the wage and hour division of the United States 55165
department of labor titled "field operations handbook" or its 55166
successor for guidance in developing the list. Nothing in this 55167
division requires the director to include a tool on the list if 55168
the orders issued pursuant to the "Fair Labor Standards Act of 55169
1938," 29 U.S.C. 201, et seq., and section 4109.05 of the 55170
Revised Code or rules adopted under that section specifically 55171
permit minors of that age to operate the tool. 55172

(E) A minor who is sixteen or seventeen years of age who 55173
is employed by an employer under the mentorship program may work 55174
in any manufacturing occupation not denied by law to minors of 55175
that age under section 4109.05 of the Revised Code or rules 55176
adopted under that section. 55177

(F) No employer shall do either of the following: 55178

(1) Permit a minor who is sixteen or seventeen years of 55179

age to operate a tool minors of that age are permitted to 55180
operate pursuant to the rules adopted under division (D) of this 55181
section unless the minor is employed by the employer under the 55182
mentorship program; 55183

(2) Permit a minor who is sixteen or seventeen years of 55184
age who is employed by the employer under the mentorship program 55185
to operate a tool prohibited for use by minors of that age 55186
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 55187
201, et seq., and section 4109.05 of the Revised Code or rules 55188
adopted under that section. 55189

Sec. 4112.04. (A) The commission shall do all of the 55190
following: 55191

(1) Establish and maintain a principal office in the city 55192
of Columbus and any other offices within the state that it 55193
considers necessary; 55194

(2) Appoint an executive director who shall serve at the 55195
pleasure of the commission and be its principal administrative 55196
officer. The executive director shall be paid a salary fixed 55197
pursuant to Chapter 124. of the Revised Code. 55198

(3) Appoint hearing examiners and other employees and 55199
agents who it considers necessary and prescribe their duties 55200
subject to Chapter 124. of the Revised Code; 55201

(4) Adopt, promulgate, amend, and rescind rules to 55202
effectuate the provisions of this chapter and the policies and 55203
practice of the commission in connection with this chapter; 55204

(5) Formulate policies to effectuate the purposes of this 55205
chapter and make recommendations to agencies and officers of the 55206
state or political subdivisions to effectuate the policies; 55207

- (6) Receive, investigate, and pass upon written charges 55208
made under oath of unlawful discriminatory practices; 55209
- (7) Make periodic surveys of the existence and effect of 55210
discrimination because of race, color, religion, sex, military 55211
status, familial status, national origin, disability, age, or 55212
ancestry on the enjoyment of civil rights by persons within the 55213
state; 55214
- (8) Report, from time to time, but not less than once a 55215
year, to the general assembly and the governor, describing in 55216
detail the investigations, proceedings, and hearings it has 55217
conducted and their outcome, the decisions it has rendered, and 55218
the other work performed by it, which report shall include a 55219
copy of any surveys prepared pursuant to division (A) (7) of this 55220
section and shall include the recommendations of the commission 55221
as to legislative or other remedial action; 55222
- (9) Prepare a comprehensive educational program, in 55223
cooperation with the department of education and workforce, for 55224
the students of the public schools of this state and for all 55225
other residents of this state that is designed to eliminate 55226
prejudice on the basis of race, color, religion, sex, military 55227
status, familial status, national origin, disability, age, or 55228
ancestry in this state, to further good will among those groups, 55229
and to emphasize the origin of prejudice against those groups, 55230
its harmful effects, and its incompatibility with American 55231
principles of equality and fair play; 55232
- (10) Receive progress reports from agencies, 55233
instrumentalities, institutions, boards, commissions, and other 55234
entities of this state or any of its political subdivisions and 55235
their agencies, instrumentalities, institutions, boards, 55236
commissions, and other entities regarding affirmative action 55237

programs for the employment of persons against whom 55238
discrimination is prohibited by this chapter, or regarding any 55239
affirmative housing accommodations programs developed to 55240
eliminate or reduce an imbalance of race, color, religion, sex, 55241
military status, familial status, national origin, disability, 55242
or ancestry. All agencies, instrumentalities, institutions, 55243
boards, commissions, and other entities of this state or its 55244
political subdivisions, and all political subdivisions, that 55245
have undertaken affirmative action programs pursuant to a 55246
conciliation agreement with the commission, an executive order 55247
of the governor, any federal statute or rule, or an executive 55248
order of the president of the United States shall file progress 55249
reports with the commission annually on or before the first day 55250
of November. The commission shall analyze and evaluate the 55251
progress reports and report its findings annually to the general 55252
assembly on or before the thirtieth day of January of the year 55253
immediately following the receipt of the reports. 55254

(11) Notify a person who files a charge pursuant to 55255
section 4112.051 of the Revised Code that under division (A) of 55256
section 4112.052 of the Revised Code, the person is prohibited 55257
from bringing a civil action under this chapter unless one of 55258
the following applies: 55259

(a) The conditions stated in division (B)(1) of section 55260
4112.052 of the Revised Code are satisfied; 55261

(b) An exception specified in division (B)(2) of section 55262
4112.052 of the Revised Code applies. 55263

(B) The commission may do any of the following: 55264

(1) Meet and function at any place within the state; 55265

(2) Initiate and undertake on its own motion 55266

investigations of problems of employment or housing 55267
accommodations discrimination; 55268

(3) Hold hearings, subpoena witnesses, compel their 55269
attendance, administer oaths, take the testimony of any person 55270
under oath, require the production for examination of any books 55271
and papers relating to any matter under investigation or in 55272
question before the commission, and make rules as to the 55273
issuance of subpoenas by individual commissioners. 55274

(a) In conducting a hearing or investigation, the 55275
commission shall have access at all reasonable times to 55276
premises, records, documents, individuals, and other evidence or 55277
possible sources of evidence and may examine, record, and copy 55278
the premises, records, documents, and other evidence or possible 55279
sources of evidence and take and record the testimony or 55280
statements of the individuals as reasonably necessary for the 55281
furtherance of the hearing or investigation. In investigations, 55282
the commission shall comply with the fourth amendment to the 55283
United States Constitution relating to unreasonable searches and 55284
seizures. The commission or a member of the commission may issue 55285
subpoenas to compel access to or the production of premises, 55286
records, documents, and other evidence or possible sources of 55287
evidence or the appearance of individuals, and may issue 55288
interrogatories to a respondent, to the same extent and subject 55289
to the same limitations as would apply if the subpoenas or 55290
interrogatories were issued or served in aid of a civil action 55291
in a court of common pleas. 55292

(b) Upon written application by a party to a hearing under 55293
division (B) of section 4112.05 or division (G) of section 55294
4112.051 of the Revised Code, the commission shall issue 55295
subpoenas in its name to the same extent and subject to the same 55296

limitations as subpoenas issued by the commission. Subpoenas 55297
issued at the request of a party shall show on their face the 55298
name and address of the party and shall state that they were 55299
issued at the party's request. 55300

(c) Witnesses summoned by subpoena of the commission are 55301
entitled to the witness and mileage fees provided for under 55302
section 119.094 of the Revised Code. 55303

(d) Within five days after service of a subpoena upon any 55304
person, the person may petition the commission to revoke or 55305
modify the subpoena. The commission shall grant the petition if 55306
it finds that the subpoena requires an appearance or attendance 55307
at an unreasonable time or place, that it requires production of 55308
evidence that does not relate to any matter before the 55309
commission, that it does not describe with sufficient 55310
particularity the evidence to be produced, that compliance would 55311
be unduly onerous, or for other good reason. 55312

(e) In case of contumacy or refusal to obey a subpoena, 55313
the commission or person at whose request it was issued may 55314
petition for its enforcement in the court of common pleas in the 55315
county in which the person to whom the subpoena was addressed 55316
resides, was served, or transacts business. 55317

(4) Create local or statewide advisory agencies and 55318
conciliation councils to aid in effectuating the purposes of 55319
this chapter. The commission may itself, or it may empower these 55320
agencies and councils to, do either or both of the following: 55321

(a) Study the problems of discrimination in all or 55322
specific fields of human relationships when based on race, 55323
color, religion, sex, military status, familial status, national 55324
origin, disability, age, or ancestry; 55325

(b) Foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

The agencies and councils may make recommendations to the commission for the development of policies and procedures in general. They shall be composed of representative citizens who shall serve without pay, except that reimbursement for actual and necessary traveling expenses shall be made to citizens who serve on a statewide agency or council.

(5) Issue any publications and the results of investigations and research that in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry.

Sec. 4112.12. (A) There is hereby created the commission on African-American males, which shall consist of not more than twenty-five members as follows: the directors or their designees of the departments of health, development, mental health and addiction services, and job and family services; the equal employment opportunity officer of the department of administrative services or the equal employment opportunity officer's designee; the executive director or the executive director's designee of the Ohio civil rights commission; the executive director or the executive director's designee of the division of criminal justice services in the department of public safety; the ~~superintendent of public instruction; the~~ chancellor of higher education or the chancellor's designee ~~of the Ohio board of regents; the director of education and~~ workforce; two members of the house of representatives appointed by the speaker of the house of representatives each of whom

shall be members of different political parties; and two members 55356
of the senate appointed by the president of the senate each of 55357
whom shall be members of different political parties. The 55358
members who are members of the general assembly shall be 55359
nonvoting members. The Ohio state university African American 55360
and African studies community extension center, in consultation 55361
with the governor, shall appoint four members from the private 55362
corporate sector, at least four members from the public sector, 55363
and two members from the nonprofit sector. 55364

(B) Terms of office shall be for three years, except that 55365
members of the general assembly appointed to the commission 55366
shall be members only so long as they are members of the general 55367
assembly. Each term ends on the same day of the same month as 55368
did the term that it succeeds. Each member shall hold office 55369
from the date of appointment until the end of the term for which 55370
the member was appointed. Members may be reappointed. Vacancies 55371
shall be filled in the manner provided for original 55372
appointments. Any member appointed to fill a vacancy occurring 55373
prior to the expiration date of the term for which the member's 55374
predecessor was appointed shall hold office as a member for the 55375
remainder of that term. A member shall continue in office 55376
subsequent to the expiration date of the member's term until the 55377
member's successor takes office or until a period of sixty days 55378
has elapsed, whichever occurs first. 55379

The commission annually shall elect a chairperson from 55380
among its members. 55381

(C) Members of the commission and members of subcommittees 55382
appointed under division (B) of section 4112.13 of the Revised 55383
Code shall not be compensated, but shall be reimbursed for their 55384
necessary and actual expenses incurred in the performance of 55385

their official duties. 55386

(D) The Ohio state university African American and African 55387
studies community extension center, in consultation with the 55388
governor, shall appoint an executive director of the commission 55389
on African-American males, who shall be in the unclassified 55390
civil service. The executive director shall supervise the 55391
commission's activities and report to the commission and to the 55392
Ohio state university African American and African studies 55393
community extension center on the progress of those activities. 55394
The executive director shall do all things necessary for the 55395
efficient and effective implementation of the duties of the 55396
commission. 55397

The responsibilities assigned to the executive director do 55398
not relieve the members of the commission from final 55399
responsibility for the proper performance of the requirements of 55400
this division. 55401

(E) The commission on African-American males shall do all 55402
of the following: 55403

(1) Employ, promote, supervise, and remove all employees, 55404
as needed, in connection with the performance of its duties 55405
under this section; 55406

(2) Maintain its office in Columbus; 55407

(3) Acquire facilities, equipment, and supplies necessary 55408
to house the commission, its employees, and files and records 55409
under its control, and to discharge any duty imposed upon it by 55410
law. The expense of these acquisitions shall be audited and paid 55411
for in the same manner as other state expenses. 55412

(4) Establish the overall policy and management of the 55413
commission in accordance with this chapter; 55414

- (5) Follow all state procurement requirements; 55415
- (6) Implement the policies and plans of the Ohio state 55416
university African American and African studies community 55417
extension center as those policies and plans are formulated and 55418
adopted by the Ohio state university African American and 55419
African studies community extension center; 55420
- (7) Report to the Ohio state university African American 55421
and African studies community extension center on the progress 55422
of the commission on African-American males in implementing the 55423
policies and plans of the Ohio state university African American 55424
and African studies community extension center. 55425
- (F) The commission on African-American males may: 55426
- (1) Hold sessions at any place within the state, except 55427
that the commission on African-American males shall meet at 55428
least quarterly; 55429
- (2) Establish, change, or abolish positions, and assign 55430
and reassign duties and responsibilities of any employee of the 55431
commission on African-American males as necessary to achieve the 55432
most efficient performance of its functions. 55433
- (G) The Ohio state university African American and African 55434
studies community extension center shall establish the overall 55435
policy and management of the commission on African-American 55436
males and shall direct, manage, and oversee the commission. The 55437
Ohio state university African American and African studies 55438
community extension center shall develop overall policies and 55439
plans, and the commission on African-American males shall 55440
implement those policies and plans. The commission on African- 55441
American males, through its executive director, shall keep the 55442
Ohio state university African American and African studies 55443

community extension center informed as to the activities of the 55444
commission on African-American males in such manner and at such 55445
times as the Ohio state university African American and African 55446
studies community extension center shall determine. 55447

The Ohio state university African American and African 55448
studies community extension center may prescribe duties and 55449
responsibilities of the commission on African-American males in 55450
addition to those prescribed in section 4112.13 of the Revised 55451
Code. 55452

(H) The Ohio state university African American and African 55453
studies community extension center annually shall contract for a 55454
report on the status of African Americans in this state. Issues 55455
to be evaluated in the report shall include the criminal justice 55456
system, education, employment, health care, and housing, and 55457
such other issues as the Ohio state university African American 55458
and African studies community extension center may specify. The 55459
report shall include policy recommendations relating to the 55460
issues covered in the report. 55461

Sec. 4117.10. (A) An agreement between a public employer 55462
and an exclusive representative entered into pursuant to this 55463
chapter governs the wages, hours, and terms and conditions of 55464
public employment covered by the agreement. If the agreement 55465
provides for a final and binding arbitration of grievances, 55466
public employers, employees, and employee organizations are 55467
subject solely to that grievance procedure and the state 55468
personnel board of review or civil service commissions have no 55469
jurisdiction to receive and determine any appeals relating to 55470
matters that were the subject of a final and binding grievance 55471
procedure. Where no agreement exists or where an agreement makes 55472
no specification about a matter, the public employer and public 55473

employees are subject to all applicable state or local laws or 55474
ordinances pertaining to the wages, hours, and terms and 55475
conditions of employment for public employees. All of the 55476
following prevail over conflicting provisions of agreements 55477
between employee organizations and public employers: 55478

(1) Laws pertaining to any of the following subjects: 55479

(a) Civil rights; 55480

(b) Affirmative action; 55481

(c) Unemployment compensation; 55482

(d) Workers' compensation; 55483

(e) The retirement of public employees; 55484

(f) Residency requirements; 55485

(g) The minimum educational requirements contained in the 55486
Revised Code pertaining to public education including the 55487
requirement of a certificate by the fiscal officer of a school 55488
district pursuant to section 5705.41 of the Revised Code; 55489

(h) The provisions of division (A) of section 124.34 of 55490
the Revised Code governing the disciplining of officers and 55491
employees who have been convicted of a felony; 55492

(i) The minimum standards promulgated by the ~~state board~~ 55493
director of education and workforce pursuant to division (D) of 55494
section 3301.07 of the Revised Code. 55495

(2) The law pertaining to the leave of absence and 55496
compensation provided under section 5923.05 of the Revised Code, 55497
if the terms of the agreement contain benefits which are less 55498
than those contained in that section or the agreement contains 55499
no such terms and the public authority is the state or any 55500

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;

(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;

(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after ~~the effective date of this amendment~~ September 29, 2015.

Except for sections 306.08, 306.12, 306.35, and 4981.22 of the Revised Code and arrangements entered into thereunder, and section 4981.21 of the Revised Code as necessary to comply with section 13(c) of the "Urban Mass Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements entered into thereunder, this chapter prevails over any and all other conflicting laws, resolutions, provisions, present or future, except as otherwise specified in this chapter or as otherwise specified by the general assembly. Nothing in this section prohibits or shall be construed to invalidate the provisions of an agreement establishing supplemental workers' compensation or unemployment compensation benefits or exceeding minimum requirements contained in the Revised Code pertaining to public education or the minimum standards promulgated by the ~~state board director~~ director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.

(B) The public employer shall submit a request for funds 55531
necessary to implement an agreement and for approval of any 55532
other matter requiring the approval of the appropriate 55533
legislative body to the legislative body within fourteen days of 55534
the date on which the parties finalize the agreement, unless 55535
otherwise specified, but if the appropriate legislative body is 55536
not in session at the time, then within fourteen days after it 55537
convenes. The legislative body must approve or reject the 55538
submission as a whole, and the submission is deemed approved if 55539
the legislative body fails to act within thirty days after the 55540
public employer submits the agreement. The parties may specify 55541
that those provisions of the agreement not requiring action by a 55542
legislative body are effective and operative in accordance with 55543
the terms of the agreement, provided there has been compliance 55544
with division (C) of this section. If the legislative body 55545
rejects the submission of the public employer, either party may 55546
reopen all or part of the entire agreement. 55547

As used in this section, "legislative body" includes the 55548
governing board of a municipal corporation, school district, 55549
college or university, village, township, or board of county 55550
commissioners or any other body that has authority to approve 55551
the budget of their public jurisdiction and, with regard to the 55552
state, "legislative body" means the controlling board. 55553

(C) The chief executive officer, or the chief executive 55554
officer's representative, of each municipal corporation, the 55555
designated representative of the board of education of each 55556
school district, college or university, or any other body that 55557
has authority to approve the budget of their public 55558
jurisdiction, the designated representative of the board of 55559
county commissioners and of each elected officeholder of the 55560
county whose employees are covered by the collective 55561

negotiations, and the designated representative of the village 55562
or the board of township trustees of each township is 55563
responsible for negotiations in the collective bargaining 55564
process; except that the legislative body may accept or reject a 55565
proposed collective bargaining agreement. When the matters about 55566
which there is agreement are reduced to writing and approved by 55567
the employee organization and the legislative body, the 55568
agreement is binding upon the legislative body, the employer, 55569
and the employee organization and employees covered by the 55570
agreement. 55571

(D) There is hereby established an office of collective 55572
bargaining in the department of administrative services for the 55573
purpose of negotiating with and entering into written agreements 55574
between state agencies, departments, boards, and commissions and 55575
the exclusive representative on matters of wages, hours, terms 55576
and other conditions of employment and the continuation, 55577
modification, or deletion of an existing provision of a 55578
collective bargaining agreement. Nothing in any provision of law 55579
to the contrary shall be interpreted as excluding the bureau of 55580
workers' compensation and the industrial commission from the 55581
preceding sentence. This office shall not negotiate on behalf of 55582
other statewide elected officials or boards of trustees of state 55583
institutions of higher education who shall be considered as 55584
separate public employers for the purposes of this chapter; 55585
however, the office may negotiate on behalf of these officials 55586
or trustees where authorized by the officials or trustees. The 55587
staff of the office of collective bargaining are in the 55588
unclassified service. The director of administrative services 55589
shall fix the compensation of the staff. 55590

The office of collective bargaining shall: 55591

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;

(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;

(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.

Sec. 4117.102. The state employment relations board shall compile a list of the school districts in the state that have filed with the board agreements entered into with teacher employee organizations under this chapter. The board shall annually update the list to reflect, for each district, for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees. The board shall send a copy of each annually updated list to the ~~state board~~ department of education and workforce.

Sec. 4141.01. As used in this chapter, unless the context otherwise requires:

(A) (1) "Employer" means the state, its instrumentalities,

its political subdivisions and their instrumentalities, Indian 55620
tribes, and any individual or type of organization including any 55621
partnership, limited liability company, association, trust, 55622
estate, joint-stock company, insurance company, or corporation, 55623
whether domestic or foreign, or the receiver, trustee in 55624
bankruptcy, trustee, or the successor thereof, or the legal 55625
representative of a deceased person who subsequent to December 55626
31, 1971, or in the case of political subdivisions or their 55627
instrumentalities, subsequent to December 31, 1973: 55628

(a) Had in employment at least one individual, or in the 55629
case of a nonprofit organization, subsequent to December 31, 55630
1973, had not less than four individuals in employment for some 55631
portion of a day in each of twenty different calendar weeks, in 55632
either the current or the preceding calendar year whether or not 55633
the same individual was in employment in each such day; or 55634

(b) Except for a nonprofit organization, had paid for 55635
service in employment wages of fifteen hundred dollars or more 55636
in any calendar quarter in either the current or preceding 55637
calendar year; or 55638

(c) Had paid, subsequent to December 31, 1977, for 55639
employment in domestic service in a local college club, or local 55640
chapter of a college fraternity or sorority, cash remuneration 55641
of one thousand dollars or more in any calendar quarter in the 55642
current calendar year or the preceding calendar year, or had 55643
paid subsequent to December 31, 1977, for employment in domestic 55644
service in a private home cash remuneration of one thousand 55645
dollars in any calendar quarter in the current calendar year or 55646
the preceding calendar year: 55647

(i) For the purposes of divisions (A) (1) (a) and (b) of 55648
this section, there shall not be taken into account any wages 55649

paid to, or employment of, an individual performing domestic service as described in this division. 55650
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(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. 55652
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(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and 55656
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(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or 55659
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(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 55662
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(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and 55671
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(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment 55673
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fund; 55679

(ii) Which, as a condition for approval of this chapter 55680
for full tax credit against the tax imposed by the "Federal 55681
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 55682
is required, pursuant to such act to be an employer under this 55683
chapter; or 55684

(iii) Who became an employer by election under division 55685
(A) (4) or (5) of this section and for the duration of such 55686
election; or 55687

(f) In the case of the state, its instrumentalities, its 55688
political subdivisions, and their instrumentalities, and Indian 55689
tribes, had in employment, as defined in divisions (B) (2) (a) and 55690
(B) (2) (1) of this section, at least one individual; 55691

(g) For the purposes of division (A) (1) (a) of this 55692
section, if any week includes both the thirty-first day of 55693
December and the first day of January, the days of that week 55694
before the first day of January shall be considered one calendar 55695
week and the days beginning the first day of January another 55696
week. 55697

(2) Each individual employed to perform or to assist in 55698
performing the work of any agent or employee of an employer is 55699
employed by such employer for all the purposes of this chapter, 55700
whether such individual was hired or paid directly by such 55701
employer or by such agent or employee, provided the employer had 55702
actual or constructive knowledge of the work. All individuals 55703
performing services for an employer of any person in this state 55704
who maintains two or more establishments within this state are 55705
employed by a single employer for the purposes of this chapter. 55706

(3) An employer subject to this chapter within any 55707

calendar year is subject to this chapter during the whole of 55708
such year and during the next succeeding calendar year. 55709

(4) An employer not otherwise subject to this chapter who 55710
files with the director of job and family services a written 55711
election to become an employer subject to this chapter for not 55712
less than two calendar years shall, with the written approval of 55713
such election by the director, become an employer subject to 55714
this chapter to the same extent as all other employers as of the 55715
date stated in such approval, and shall cease to be subject to 55716
this chapter as of the first day of January of any calendar year 55717
subsequent to such two calendar years only if at least thirty 55718
days prior to such first day of January the employer has filed 55719
with the director a written notice to that effect. 55720

(5) Any employer for whom services that do not constitute 55721
employment are performed may file with the director a written 55722
election that all such services performed by individuals in the 55723
employer's employ in one or more distinct establishments or 55724
places of business shall be deemed to constitute employment for 55725
all the purposes of this chapter, for not less than two calendar 55726
years. Upon written approval of the election by the director, 55727
such services shall be deemed to constitute employment subject 55728
to this chapter from and after the date stated in such approval. 55729
Such services shall cease to be employment subject to this 55730
chapter as of the first day of January of any calendar year 55731
subsequent to such two calendar years only if at least thirty 55732
days prior to such first day of January such employer has filed 55733
with the director a written notice to that effect. 55734

(6) "Employer" does not include a franchisor with respect 55735
to the franchisor's relationship with a franchisee or an 55736
employee of a franchisee, unless the franchisor agrees to assume 55737

that role in writing or a court of competent jurisdiction 55738
determines that the franchisor exercises a type or degree of 55739
control over the franchisee or the franchisee's employees that 55740
is not customarily exercised by a franchisor for the purpose of 55741
protecting the franchisor's trademark, brand, or both. For 55742
purposes of this division, "franchisor" and "franchisee" have 55743
the same meanings as in 16 C.F.R. 436.1. 55744

(B) (1) "Employment" means service performed by an 55745
individual for remuneration under any contract of hire, written 55746
or oral, express or implied, including service performed in 55747
interstate commerce and service performed by an officer of a 55748
corporation, without regard to whether such service is 55749
executive, managerial, or manual in nature, and without regard 55750
to whether such officer is a stockholder or a member of the 55751
board of directors of the corporation, unless it is shown to the 55752
satisfaction of the director that such individual has been and 55753
will continue to be free from direction or control over the 55754
performance of such service, both under a contract of service 55755
and in fact. The director shall adopt rules to define "direction 55756
or control." 55757

(2) "Employment" includes: 55758

(a) Service performed after December 31, 1977, by an 55759
individual in the employ of the state or any of its 55760
instrumentalities, or any political subdivision thereof or any 55761
of its instrumentalities or any instrumentality of more than one 55762
of the foregoing or any instrumentality of any of the foregoing 55763
and one or more other states or political subdivisions and 55764
without regard to divisions (A) (1) (a) and (b) of this section, 55765
provided that such service is excluded from employment as 55766
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 55767

U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 55768
(3) of this section; or the services of employees covered by 55769
voluntary election, as provided under divisions (A) (4) and (5) 55770
of this section; 55771

(b) Service performed after December 31, 1971, by an 55772
individual in the employ of a religious, charitable, 55773
educational, or other organization which is excluded from the 55774
term "employment" as defined in the "Federal Unemployment Tax 55775
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 55776
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 55777
excluded under division (B) (3) of this section; 55778

(c) Domestic service performed after December 31, 1977, 55779
for an employer, as provided in division (A) (1) (c) of this 55780
section; 55781

(d) Agricultural labor performed after December 31, 1977, 55782
for a farm operator or a crew leader, as provided in division 55783
(A) (1) (d) of this section; 55784

(e) Subject to division (B) (2) (m) of this section, service 55785
not covered under division (B) (1) of this section which is 55786
performed after December 31, 1971: 55787

(i) As an agent-driver or commission-driver engaged in 55788
distributing meat products, vegetable products, fruit products, 55789
bakery products, beverages other than milk, laundry, or dry- 55790
cleaning services, for the individual's employer or principal; 55791

(ii) As a traveling or city salesperson, other than as an 55792
agent-driver or commission-driver, engaged on a full-time basis 55793
in the solicitation on behalf of and in the transmission to the 55794
salesperson's employer or principal except for sideline sales 55795
activities on behalf of some other person of orders from 55796

wholesalers, retailers, contractors, or operators of hotels, 55797
restaurants, or other similar establishments for merchandise for 55798
resale, or supplies for use in their business operations, 55799
provided that for the purposes of division (B) (2) (e) (ii) of this 55800
section, the services shall be deemed employment if the contract 55801
of service contemplates that substantially all of the services 55802
are to be performed personally by the individual and that the 55803
individual does not have a substantial investment in facilities 55804
used in connection with the performance of the services other 55805
than in facilities for transportation, and the services are not 55806
in the nature of a single transaction that is not a part of a 55807
continuing relationship with the person for whom the services 55808
are performed. 55809

(f) An individual's entire service performed within or 55810
both within and without the state if: 55811

(i) The service is localized in this state. 55812

(ii) The service is not localized in any state, but some 55813
of the service is performed in this state and either the base of 55814
operations, or if there is no base of operations then the place 55815
from which such service is directed or controlled, is in this 55816
state or the base of operations or place from which such service 55817
is directed or controlled is not in any state in which some part 55818
of the service is performed but the individual's residence is in 55819
this state. 55820

(g) Service not covered under division (B) (2) (f) (ii) of 55821
this section and performed entirely without this state, with 55822
respect to no part of which contributions are required and paid 55823
under an unemployment compensation law of any other state, the 55824
Virgin Islands, Canada, or of the United States, if the 55825
individual performing such service is a resident of this state 55826

and the director approves the election of the employer for whom 55827
such services are performed; or, if the individual is not a 55828
resident of this state but the place from which the service is 55829
directed or controlled is in this state, the entire services of 55830
such individual shall be deemed to be employment subject to this 55831
chapter, provided service is deemed to be localized within this 55832
state if the service is performed entirely within this state or 55833
if the service is performed both within and without this state 55834
but the service performed without this state is incidental to 55835
the individual's service within the state, for example, is 55836
temporary or transitory in nature or consists of isolated 55837
transactions; 55838

(h) Service of an individual who is a citizen of the 55839
United States, performed outside the United States except in 55840
Canada after December 31, 1971, or the Virgin Islands, after 55841
December 31, 1971, and before the first day of January of the 55842
year following that in which the United States secretary of 55843
labor approves the Virgin Islands law for the first time, in the 55844
employ of an American employer, other than service which is 55845
"employment" under divisions (B) (2) (f) and (g) of this section 55846
or similar provisions of another state's law, if: 55847

(i) The employer's principal place of business in the 55848
United States is located in this state; 55849

(ii) The employer has no place of business in the United 55850
States, but the employer is an individual who is a resident of 55851
this state; or the employer is a corporation which is organized 55852
under the laws of this state, or the employer is a partnership 55853
or a trust and the number of partners or trustees who are 55854
residents of this state is greater than the number who are 55855
residents of any other state; or 55856

(iii) None of the criteria of divisions (B) (2) (f) (i) and 55857
(ii) of this section is met but the employer has elected 55858
coverage in this state or the employer having failed to elect 55859
coverage in any state, the individual has filed a claim for 55860
benefits, based on such service, under this chapter. 55861

(i) For the purposes of division (B) (2) (h) of this 55862
section, the term "American employer" means an employer who is 55863
an individual who is a resident of the United States; or a 55864
partnership, if two-thirds or more of the partners are residents 55865
of the United States; or a trust, if all of the trustees are 55866
residents of the United States; or a corporation organized under 55867
the laws of the United States or of any state, provided the term 55868
"United States" includes the states, the District of Columbia, 55869
the Commonwealth of Puerto Rico, and the Virgin Islands. 55870

(j) Notwithstanding any other provisions of divisions (B) 55871
(1) and (2) of this section, service, except for domestic 55872
service in a private home not covered under division (A) (1) (c) 55873
of this section, with respect to which a tax is required to be 55874
paid under any federal law imposing a tax against which credit 55875
may be taken for contributions required to be paid into a state 55876
unemployment fund, or service, except for domestic service in a 55877
private home not covered under division (A) (1) (c) of this 55878
section, which, as a condition for full tax credit against the 55879
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 55880
26 U.S.C.A. 3301 to 3311, is required to be covered under this 55881
chapter. 55882

(k) Construction services performed by any individual 55883
under a construction contract, as defined in section 4141.39 of 55884
the Revised Code, if the director determines that the employer 55885
for whom services are performed has the right to direct or 55886

control the performance of the services and that the individuals 55887
who perform the services receive remuneration for the services 55888
performed. The director shall presume that the employer for whom 55889
services are performed has the right to direct or control the 55890
performance of the services if ten or more of the following 55891
criteria apply: 55892

(i) The employer directs or controls the manner or method 55893
by which instructions are given to the individual performing 55894
services; 55895

(ii) The employer requires particular training for the 55896
individual performing services; 55897

(iii) Services performed by the individual are integrated 55898
into the regular functioning of the employer; 55899

(iv) The employer requires that services be provided by a 55900
particular individual; 55901

(v) The employer hires, supervises, or pays the wages of 55902
the individual performing services; 55903

(vi) A continuing relationship between the employer and 55904
the individual performing services exists which contemplates 55905
continuing or recurring work, even if not full-time work; 55906

(vii) The employer requires the individual to perform 55907
services during established hours; 55908

(viii) The employer requires that the individual 55909
performing services be devoted on a full-time basis to the 55910
business of the employer; 55911

(ix) The employer requires the individual to perform 55912
services on the employer's premises; 55913

- (x) The employer requires the individual performing services to follow the order of work established by the employer; 55914
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 55917
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- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 55919
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- (xiii) The employer pays expenses for the individual performing services; 55921
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- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 55923
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- (xv) The individual performing services has not invested in the facilities used to perform services; 55925
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- (xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; 55927
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- (xvii) The individual performing services is not performing services for more than two employers simultaneously; 55930
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- (xviii) The individual performing services does not make the services available to the general public; 55932
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- (xix) The employer has a right to discharge the individual performing services; 55934
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- (xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 55936
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- (1) Service performed by an individual in the employ of an 55940

Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.

(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:

(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services.

(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.

(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.

(iv) The individual substantially controls the means and

manner of performing the services, in conformance with 55970
regulatory requirements and specifications of the shipper. 55971

(v) The individual enters into a written contract with the 55972
carrier for whom the individual is performing the services that 55973
describes the relationship between the individual and the 55974
carrier to be that of an independent contractor and not that of 55975
an employee. 55976

(vi) The individual is responsible for substantially all 55977
of the principal operating costs of the vehicle or vessel and 55978
equipment used to provide the services, including maintenance, 55979
fuel, repairs, supplies, vehicle or vessel insurance, and 55980
personal expenses, except that the individual may be paid by the 55981
carrier the carrier's fuel surcharge and incidental costs, 55982
including tolls, permits, and lumper fees. 55983

(vii) The individual is responsible for any economic loss 55984
or economic gain from the arrangement with the carrier. 55985

(viii) The individual is not performing services described 55986
in 26 U.S.C. 3306(c) (7) or (8). 55987

(3) "Employment" does not include the following services 55988
if they are found not subject to the "Federal Unemployment Tax 55989
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 55990
services are not required to be included under division (B) (2) 55991
(j) of this section: 55992

(a) Service performed after December 31, 1977, in 55993
agricultural labor, except as provided in division (A) (1) (d) of 55994
this section; 55995

(b) Domestic service performed after December 31, 1977, in 55996
a private home, local college club, or local chapter of a 55997
college fraternity or sorority except as provided in division 55998

(A) (1) (c) of this section;	55999
(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:	56000
(i) As a publicly elected official;	56001
(ii) As a member of a legislative body, or a member of the judiciary;	56002
(iii) As a military member of the Ohio national guard;	56003
(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;	56004
(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.	56005
(d) In the employ of any governmental unit or instrumentality of the United States;	56006
(e) Service performed after December 31, 1971:	56007
(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	56008
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(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person

designated for that purpose. 56056

(h) Service performed after December 31, 1971: 56057

(i) In the employ of a church or convention or association 56058
of churches, or in an organization which is operated primarily 56059
for religious purposes and which is operated, supervised, 56060
controlled, or principally supported by a church or convention 56061
or association of churches; 56062

(ii) By a duly ordained, commissioned, or licensed 56063
minister of a church in the exercise of the individual's 56064
ministry or by a member of a religious order in the exercise of 56065
duties required by such order; or 56066

(iii) In a facility conducted for the purpose of carrying 56067
out a program of rehabilitation for individuals whose earning 56068
capacity is impaired by age or physical or mental deficiency or 56069
injury, or providing remunerative work for individuals who 56070
because of their impaired physical or mental capacity cannot be 56071
readily absorbed in the competitive labor market, by an 56072
individual receiving such rehabilitation or remunerative work. 56073

(i) Service performed after June 30, 1939, with respect to 56074
which unemployment compensation is payable under the "Railroad 56075
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 56076
351; 56077

(j) Service performed by an individual in the employ of 56078
any organization exempt from income tax under section 501 of the 56079
"Internal Revenue Code of 1954," if the remuneration for such 56080
service does not exceed fifty dollars in any calendar quarter, 56081
or if such service is in connection with the collection of dues 56082
or premiums for a fraternal beneficial society, order, or 56083
association and is performed away from the home office or is 56084

ritualistic service in connection with any such society, order,
or association;

(k) Casual labor not in the course of an employer's trade
or business; incidental service performed by an officer,
appraiser, or member of a finance committee of a bank, building
and loan association, savings and loan association, or savings
association when the remuneration for such incidental service
exclusive of the amount paid or allotted for directors' fees
does not exceed sixty dollars per calendar quarter is casual
labor;

(l) Service performed in the employ of a voluntary
employees' beneficial association providing for the payment of
life, sickness, accident, or other benefits to the members of
such association or their dependents or their designated
beneficiaries, if admission to a membership in such association
is limited to individuals who are officers or employees of a
municipal or public corporation, of a political subdivision of
the state, or of the United States and no part of the net
earnings of such association inures, other than through such
payments, to the benefit of any private shareholder or
individual;

(m) Service performed by an individual in the employ of a
foreign government, including service as a consular or other
officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality
wholly owned by a foreign government if the service is of a
character similar to that performed in foreign countries by
employees of the United States or of an instrumentality thereof
and if the director finds that the secretary of state of the
United States has certified to the secretary of the treasury of

the United States that the foreign government, with respect to 56115
whose instrumentality exemption is claimed, grants an equivalent 56116
exemption with respect to similar service performed in the 56117
foreign country by employees of the United States and of 56118
instrumentalities thereof; 56119

(o) Service with respect to which unemployment 56120
compensation is payable under an unemployment compensation 56121
system established by an act of congress; 56122

(p) Service performed as a student nurse in the employ of 56123
a hospital or a nurses' training school by an individual who is 56124
enrolled and is regularly attending classes in a nurses' 56125
training school chartered or approved pursuant to state law, and 56126
service performed as an intern in the employ of a hospital by an 56127
individual who has completed a four years' course in a medical 56128
school chartered or approved pursuant to state law; 56129

(q) Service performed by an individual under the age of 56130
eighteen in the delivery or distribution of newspapers or 56131
shopping news, not including delivery or distribution to any 56132
point for subsequent delivery or distribution; 56133

(r) Service performed in the employ of the United States 56134
or an instrumentality of the United States immune under the 56135
Constitution of the United States from the contributions imposed 56136
by this chapter, except that to the extent that congress permits 56137
states to require any instrumentalities of the United States to 56138
make payments into an unemployment fund under a state 56139
unemployment compensation act, this chapter shall be applicable 56140
to such instrumentalities and to services performed for such 56141
instrumentalities in the same manner, to the same extent, and on 56142
the same terms as to all other employers, individuals, and 56143
services, provided that if this state is not certified for any 56144

year by the proper agency of the United States under section 56145
3304 of the "Internal Revenue Code of 1954," the payments 56146
required of such instrumentalities with respect to such year 56147
shall be refunded by the director from the fund in the same 56148
manner and within the same period as is provided in division (E) 56149
of section 4141.09 of the Revised Code with respect to 56150
contributions erroneously collected; 56151

(s) Service performed by an individual as a member of a 56152
band or orchestra, provided such service does not represent the 56153
principal occupation of such individual, and which service is 56154
not subject to or required to be covered for full tax credit 56155
against the tax imposed by the "Federal Unemployment Tax Act," 56156
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 56157

(t) Service performed in the employ of a day camp whose 56158
camping season does not exceed twelve weeks in any calendar 56159
year, and which service is not subject to the "Federal 56160
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 56161
3311. Service performed after December 31, 1971: 56162

(i) In the employ of a hospital, if the service is 56163
performed by a patient of the hospital, as defined in division 56164
(W) of this section; 56165

(ii) For a prison or other correctional institution by an 56166
inmate of the prison or correctional institution; 56167

(iii) Service performed after December 31, 1977, by an 56168
inmate of a custodial institution operated by the state, a 56169
political subdivision, or a nonprofit organization. 56170

(u) Service that is performed by a nonresident alien 56171
individual for the period the individual temporarily is present 56172
in the United States as a nonimmigrant under division (F), (J), 56173

(M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B) (3) of this section, services that are excluded under divisions (B) (3) (g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(z) Service performed for an Indian tribe as described in division (B) (2) (1) of this section when performed in any of the following manners:

(i) As a publicly elected official;

(ii) As a member of an Indian tribal council;

(iii) As a member of a legislative or judiciary body;	56203
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	56204 56205 56206 56207 56208
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	56209 56210 56211
(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.	56212 56213 56214 56215 56216 56217 56218 56219
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	56220 56221
(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	56222 56223 56224 56225 56226 56227 56228 56229 56230 56231

payment of remuneration is ordinarily made to the employee by 56232
the person employing that employee. Division (B) (4) of this 56233
section does not apply to services performed in a pay period by 56234
an employee for the person employing that employee, if any of 56235
such service is excepted by division (B) (3) (o) of this section. 56236

(C) "Benefits" means money payments payable to an 56237
individual who has established benefit rights, as provided in 56238
this chapter, for loss of remuneration due to the individual's 56239
unemployment. 56240

(D) "Benefit rights" means the weekly benefit amount and 56241
the maximum benefit amount that may become payable to an 56242
individual within the individual's benefit year as determined by 56243
the director. 56244

(E) "Claim for benefits" means a claim for waiting period 56245
or benefits for a designated week. 56246

(F) "Additional claim" means the first claim for benefits 56247
filed following any separation from employment during a benefit 56248
year; "continued claim" means any claim other than the first 56249
claim for benefits and other than an additional claim. 56250

(G) "Wages" means remuneration paid to an employee by each 56251
of the employee's employers with respect to employment; except 56252
that wages shall not include that part of remuneration paid 56253
during any calendar year to an individual by an employer or such 56254
employer's predecessor in interest in the same business or 56255
enterprise, which in any calendar year is in excess of nine 56256
thousand dollars on and after January 1, 1995; nine thousand 56257
five hundred dollars on and after January 1, 2018; and nine 56258
thousand dollars on and after January 1, 2020. Remuneration in 56259
excess of such amounts shall be deemed wages subject to 56260

contribution to the same extent that such remuneration is 56261
defined as wages under the "Federal Unemployment Tax Act," 84 56262
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 56263
remuneration paid an employee by an employer with respect to 56264
employment in another state, upon which contributions were 56265
required and paid by such employer under the unemployment 56266
compensation act of such other state, shall be included as a 56267
part of remuneration in computing the amount specified in this 56268
division. 56269

(H) (1) "Remuneration" means all compensation for personal 56270
services, including commissions and bonuses and the cash value 56271
of all compensation in any medium other than cash, except that 56272
in the case of agricultural or domestic service, "remuneration" 56273
includes only cash remuneration. Gratuities customarily received 56274
by an individual in the course of the individual's employment 56275
from persons other than the individual's employer and which are 56276
accounted for by such individual to the individual's employer 56277
are taxable wages. 56278

The reasonable cash value of compensation paid in any 56279
medium other than cash shall be estimated and determined in 56280
accordance with rules prescribed by the director, provided that 56281
"remuneration" does not include: 56282

(a) Payments as provided in divisions (b) (2) to (b) (20) of 56283
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 56284
713, 26 U.S.C.A. 3301 to 3311, as amended; 56285

(b) The payment by an employer, without deduction from the 56286
remuneration of the individual in the employer's employ, of the 56287
tax imposed upon an individual in the employer's employ under 56288
section 3101 of the "Internal Revenue Code of 1954," with 56289
respect to services performed after October 1, 1941. 56290

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L) (1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with

respect to such week no remuneration is payable to the individual. 56320
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(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount. 56322
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(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director. 56326
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(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter. 56329
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(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar. 56338
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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment. 56344
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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day 56347
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of an individual's benefit year, except as provided in division 56349
(Q) (2) of this section. 56350

(2) If an individual does not have sufficient qualifying 56351
weeks and wages in the base period to qualify for benefit 56352
rights, the individual's base period shall be the four most 56353
recently completed calendar quarters preceding the first day of 56354
the individual's benefit year. Such base period shall be known 56355
as the "alternate base period." If information as to weeks and 56356
wages for the most recent quarter of the alternate base period 56357
is not available to the director from the regular quarterly 56358
reports of wage information, which are systematically 56359
accessible, the director may, consistent with the provisions of 56360
section 4141.28 of the Revised Code, base the determination of 56361
eligibility for benefits on the affidavit of the claimant with 56362
respect to weeks and wages for that calendar quarter. The 56363
claimant shall furnish payroll documentation, where available, 56364
in support of the affidavit. The determination based upon the 56365
alternate base period as it relates to the claimant's benefit 56366
rights, shall be amended when the quarterly report of wage 56367
information from the employer is timely received and that 56368
information causes a change in the determination. As provided in 56369
division (B) of section 4141.28 of the Revised Code, any 56370
benefits paid and charged to an employer's account, based upon a 56371
claimant's affidavit, shall be adjusted effective as of the 56372
beginning of the claimant's benefit year. No calendar quarter in 56373
a base period or alternate base period shall be used to 56374
establish a subsequent benefit year. 56375

(3) The "base period" of a combined wage claim, as 56376
described in division (H) of section 4141.43 of the Revised 56377
Code, shall be the base period prescribed by the law of the 56378
state in which the claim is allowed. 56379

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment

since the beginning of the individual's previous benefit year to 56411
file a valid application, "employment" means the performance of 56412
services for which remuneration is payable. 56413

(2) Effective for benefit years beginning on and after 56414
December 26, 2004, but before July 1, 2022, any application for 56415
determination of benefit rights made in accordance with section 56416
4141.28 of the Revised Code is valid if the individual satisfies 56417
the criteria described in division (R) (1) of this section, and 56418
if the reason for the individual's separation from employment is 56419
not disqualifying pursuant to division (D) (2) of section 4141.29 56420
or section 4141.291 of the Revised Code. A disqualification 56421
imposed pursuant to division (D) (2) of section 4141.29 or 56422
section 4141.291 of the Revised Code must be removed as provided 56423
in those sections as a requirement of establishing a valid 56424
application for benefit years beginning on and after December 56425
26, 2004, but before July 1, 2022. Effective for benefit years 56426
beginning on and after July 1, 2022, any application for 56427
determination of benefit rights made in accordance with section 56428
4141.28 of the Revised Code is valid if the individual satisfies 56429
the criteria described in division (R) (1) of this section. A 56430
disqualification imposed pursuant to division (D) (2) of section 56431
4141.29 or section 4141.291 of the Revised Code does not affect 56432
the validity of an application. 56433

(3) The statewide average weekly wage shall be calculated 56434
by the director once a year based on the twelve-month period 56435
ending the thirtieth day of June, as set forth in division (B) 56436
(3) of section 4141.30 of the Revised Code, rounded down to the 56437
nearest dollar. Increases or decreases in the amount of 56438
remuneration required to have been earned or paid in order for 56439
individuals to have filed valid applications shall become 56440
effective on Sunday of the calendar week in which the first day 56441

of January occurs that follows the twelve-month period ending 56442
the thirtieth day of June upon which the calculation of the 56443
statewide average weekly wage was based. 56444

(4) As used in this division, an individual is 56445
"unemployed" if, with respect to the calendar week in which such 56446
application is filed, the individual is "partially unemployed" 56447
or "totally unemployed" as defined in this section or if, prior 56448
to filing the application, the individual was separated from the 56449
individual's most recent work for any reason which terminated 56450
the individual's employee-employer relationship, or was laid off 56451
indefinitely or for a definite period of seven or more days. 56452

(S) "Calendar quarter" means the period of three 56453
consecutive calendar months ending on the thirty-first day of 56454
March, the thirtieth day of June, the thirtieth day of 56455
September, and the thirty-first day of December, or the 56456
equivalent thereof as the director prescribes by rule. 56457

(T) "Computation date" means the first day of the third 56458
calendar quarter of any calendar year. 56459

(U) "Contribution period" means the calendar year 56460
beginning on the first day of January of any year. 56461

(V) "Agricultural labor," for the purpose of this 56462
division, means any service performed prior to January 1, 1972, 56463
which was agricultural labor as defined in this division prior 56464
to that date, and service performed after December 31, 1971: 56465

(1) On a farm, in the employ of any person, in connection 56466
with cultivating the soil, or in connection with raising or 56467
harvesting any agricultural or horticultural commodity, 56468
including the raising, shearing, feeding, caring for, training, 56469
and management of livestock, bees, poultry, and fur-bearing 56470

animals and wildlife; 56471

(2) In the employ of the owner or tenant or other operator 56472
of a farm in connection with the operation, management, 56473
conservation, improvement, or maintenance of such farm and its 56474
tools and equipment, or in salvaging timber or clearing land of 56475
brush and other debris left by hurricane, if the major part of 56476
such service is performed on a farm; 56477

(3) In connection with the production or harvesting of any 56478
commodity defined as an agricultural commodity in section 15 (g) 56479
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 56480
U.S.C. 1141j, as amended, or in connection with the ginning of 56481
cotton, or in connection with the operation or maintenance of 56482
ditches, canals, reservoirs, or waterways, not owned or operated 56483
for profit, used exclusively for supplying and storing water for 56484
farming purposes; 56485

(4) In the employ of the operator of a farm in handling, 56486
planting, drying, packing, packaging, processing, freezing, 56487
grading, storing, or delivering to storage or to market or to a 56488
carrier for transportation to market, in its unmanufactured 56489
state, any agricultural or horticultural commodity, but only if 56490
the operator produced more than one half of the commodity with 56491
respect to which such service is performed; 56492

(5) In the employ of a group of operators of farms, or a 56493
cooperative organization of which the operators are members, in 56494
the performance of service described in division (V) (4) of this 56495
section, but only if the operators produced more than one-half 56496
of the commodity with respect to which the service is performed; 56497

(6) Divisions (V) (4) and (5) of this section shall not be 56498
deemed to be applicable with respect to service performed: 56499

(a) In connection with commercial canning or commercial 56500
freezing or in connection with any agricultural or horticultural 56501
commodity after its delivery to a terminal market for 56502
distribution for consumption; or 56503

(b) On a farm operated for profit if the service is not in 56504
the course of the employer's trade or business. 56505

As used in division (V) of this section, "farm" includes 56506
stock, dairy, poultry, fruit, fur-bearing animal, and truck 56507
farms, plantations, ranches, nurseries, ranges, greenhouses, or 56508
other similar structures used primarily for the raising of 56509
agricultural or horticultural commodities and orchards. 56510

(W) "Hospital" means an institution which has been 56511
registered or licensed by the Ohio department of health as a 56512
hospital. 56513

(X) "Nonprofit organization" means an organization, or 56514
group of organizations, described in section 501(c)(3) of the 56515
"Internal Revenue Code of 1954," and exempt from income tax 56516
under section 501(a) of that code. 56517

(Y) "Institution of higher education" means a public or 56518
nonprofit educational institution, including an educational 56519
institution operated by an Indian tribe, which: 56520

(1) Admits as regular students only individuals having a 56521
certificate of graduation from a high school, or the recognized 56522
equivalent; 56523

(2) Is legally authorized in this state or by the Indian 56524
tribe to provide a program of education beyond high school; and 56525

(3) Provides an educational program for which it awards a 56526
bachelor's or higher degree, or provides a program which is 56527

acceptable for full credit toward such a degree, a program of 56528
post-graduate or post-doctoral studies, or a program of training 56529
to prepare students for gainful employment in a recognized 56530
occupation. 56531

For the purposes of this division, all colleges and 56532
universities in this state are institutions of higher education. 56533

(Z) For the purposes of this chapter, "states" includes 56534
the District of Columbia, the Commonwealth of Puerto Rico, and 56535
the Virgin Islands. 56536

(AA) "Alien" means, for the purposes of division (A) (1) (d) 56537
of this section, an individual who is an alien admitted to the 56538
United States to perform service in agricultural labor pursuant 56539
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 56540
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 56541

(BB) (1) "Crew leader" means an individual who furnishes 56542
individuals to perform agricultural labor for any other employer 56543
or farm operator, and: 56544

(a) Pays, either on the individual's own behalf or on 56545
behalf of the other employer or farm operator, the individuals 56546
so furnished by the individual for the service in agricultural 56547
labor performed by them; 56548

(b) Has not entered into a written agreement with the 56549
other employer or farm operator under which the agricultural 56550
worker is designated as in the employ of the other employer or 56551
farm operator. 56552

(2) For the purposes of this chapter, any individual who 56553
is a member of a crew furnished by a crew leader to perform 56554
service in agricultural labor for any other employer or farm 56555
operator shall be treated as an employee of the crew leader if: 56556

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B) (1) of this section.

(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB) (2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to

them knowledge, skills, information, doctrines, attitudes, or 56586
abilities from, by, or under the guidance of an instructor or 56587
teacher; and 56588

(2) Is approved, chartered, or issued a permit to operate 56589
as a school by the ~~state board~~ director of education and 56590
workforce, other government agency, or Indian tribe that is 56591
authorized within the state to approve, charter, or issue a 56592
permit for the operation of a school. 56593

For the purposes of this division, the courses of study or 56594
training which the institution offers may be academic, 56595
technical, trade, or preparation for gainful employment in a 56596
recognized occupation. 56597

(DD) "Cost savings day" means any unpaid day off from work 56598
in which employees continue to accrue employee benefits which 56599
have a determinable value including, but not limited to, 56600
vacation, pension contribution, sick time, and life and health 56601
insurance. 56602

(EE) "Motor carrier" has the same meaning as in section 56603
4923.01 of the Revised Code. 56604

Sec. 4141.47. (A) There is hereby created the auxiliary 56605
services personnel unemployment compensation fund, which shall 56606
not be a part of the state treasury. The fund shall consist of 56607
moneys paid into the fund pursuant to section 3317.06 of the 56608
Revised Code. The treasurer of state shall administer it in 56609
accordance with the directions of the director of job and family 56610
services. The director shall establish procedures under which 56611
school districts that are charged and have paid for unemployment 56612
benefits as reimbursing employers pursuant to this chapter for 56613
personnel employed pursuant to section 3317.06 of the Revised 56614

Code may apply for and receive reimbursement for those payments 56615
under this section. School districts are not entitled to 56616
reimbursement for any delinquency charges, except as otherwise 56617
provided by law. In the case of school districts electing to pay 56618
contributions under section 4141.242 of the Revised Code, the 56619
director shall establish procedures for reimbursement of the 56620
district from the fund of contributions made on wages earned by 56621
any auxiliary service personnel. 56622

(B) In the event of the termination of the auxiliary 56623
services program established pursuant to section 3317.06 of the 56624
Revised Code, and after the director has made reimbursement to 56625
school districts for all possible unemployment compensation 56626
claims of persons who were employed pursuant to section 3317.06 56627
of the Revised Code, the director shall certify that fact to the 56628
treasurer of state, who shall then transfer all unexpended 56629
moneys in the auxiliary services personnel unemployment 56630
compensation fund to the general revenue fund. In the event the 56631
auxiliary services personnel unemployment compensation fund 56632
contains insufficient moneys to pay all valid claims by school 56633
districts for reimbursement pursuant to this section, the 56634
director shall estimate the total additional amount necessary to 56635
meet the liabilities of the fund and submit a request to the 56636
general assembly for an appropriation of that amount of money 56637
from the general revenue fund to the auxiliary services 56638
personnel unemployment compensation fund. 56639

(C) All disbursements from the auxiliary services 56640
personnel unemployment compensation fund shall be paid by the 56641
treasurer of state on warrants drawn by the director. The 56642
warrants may bear the facsimile signature of the director 56643
printed thereon or that of a deputy or other employee of the 56644
director charged with the duty of keeping the account of the 56645

fund. Moneys in the fund shall be maintained in a separate 56646
account on the books of the depository bank. The money shall be 56647
secured by the depository bank to the same extent and in the 56648
same manner as required by Chapter 135. of the Revised Code. All 56649
sums recovered for losses sustained by the fund shall be 56650
deposited therein. The treasurer of state is liable on the 56651
treasurer of state's official bond for the faithful performance 56652
of the treasurer of state's duties in connection with the fund. 56653

(D) All necessary and proper expenses incurred in 56654
administering this section shall be paid to the director from 56655
the auxiliary services personnel unemployment compensation fund. 56656
For this purpose, there is hereby created in the state treasury 56657
the auxiliary services program administrative fund. The 56658
treasurer of state, pursuant to the warrant procedures specified 56659
in division (C) of this section, shall advance moneys as 56660
requested by the director from the auxiliary services personnel 56661
unemployment compensation fund to the auxiliary services program 56662
administrative fund. The director periodically may request the 56663
advance of such moneys as in the treasurer of state's opinion 56664
are needed to meet anticipated administrative expenses and may 56665
make disbursements from the auxiliary services program 56666
administrative fund to pay those expenses. 56667

(E) Upon receipt of a certification from the department of 56668
education and workforce regarding a refund to a board of 56669
education pursuant to section 3317.06 of the Revised Code, the 56670
director shall issue a refund in the amount certified to the 56671
board from the auxiliary services personnel unemployment 56672
compensation fund. 56673

Sec. 4506.09. (A) The registrar of motor vehicles, subject 56674
to approval by the director of public safety, shall adopt rules 56675

conforming with applicable standards adopted by the federal 56676
motor carrier safety administration as regulations under Pub. L. 56677
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 56678
31317. The rules shall establish requirements for the 56679
qualification and testing of persons applying for a commercial 56680
driver's license, which are in addition to other requirements 56681
established by this chapter. Except as provided in division (B) 56682
of this section, the highway patrol or any other employee of the 56683
department of public safety the registrar authorizes shall 56684
supervise and conduct the testing of persons applying for a 56685
commercial driver's license. 56686

(B) The director may adopt rules, in accordance with 56687
Chapter 119. of the Revised Code and applicable requirements of 56688
the federal motor carrier safety administration, authorizing the 56689
skills test specified in this section to be administered by any 56690
person, by an agency of this or another state, or by an agency, 56691
department, or instrumentality of local government. Each party 56692
authorized under this division to administer the skills test may 56693
charge a maximum divisible fee of one hundred fifteen dollars 56694
for each skills test given as part of a commercial driver's 56695
license examination. The fee shall consist of not more than 56696
twenty-seven dollars for the pre-trip inspection portion of the 56697
test, not more than twenty-seven dollars for the off-road 56698
maneuvering portion of the test, and not more than sixty-one 56699
dollars for the on-road portion of the test. Each such party may 56700
require an appointment fee in the same manner provided in 56701
division (E) (2) of this section, except that the maximum amount 56702
such a party may require as an appointment fee is one hundred 56703
fifteen dollars. The skills test administered by another party 56704
under this division shall be the same as otherwise would be 56705
administered by this state. The other party shall enter into an 56706

agreement with the director that, without limitation, does all 56707
of the following: 56708

(1) Allows the director or the director's representative 56709
and the federal motor carrier safety administration or its 56710
representative to conduct random examinations, inspections, and 56711
audits of the other party, whether covert or overt, without 56712
prior notice; 56713

(2) Requires the director or the director's representative 56714
to conduct on-site inspections of the other party at least 56715
annually; 56716

(3) Requires that all examiners of the other party meet 56717
the same qualification and training standards as examiners of 56718
the department of public safety, including criminal background 56719
checks, to the extent necessary to conduct skills tests in the 56720
manner required by 49 C.F.R. 383.110 through 383.135. In 56721
accordance with federal guidelines, any examiner employed on 56722
July 1, 2017, shall have a criminal background check conducted 56723
at least once, and any examiner hired after July 1, 2015, shall 56724
have a criminal background check conducted after the examiner is 56725
initially hired. 56726

(4) Requires either that state employees take, at least 56727
annually and as though the employees were test applicants, the 56728
tests actually administered by the other party, that the 56729
director test a sample of drivers who were examined by the other 56730
party to compare the test results, or that state employees 56731
accompany a test applicant during an actual test; 56732

(5) Unless the other party is a governmental entity, 56733
requires the other party to initiate and maintain a bond in an 56734
amount determined by the director to sufficiently pay for the 56735

retesting of drivers in the event that the other party or its 56736
skills test examiners are involved in fraudulent activities 56737
related to skills testing; 56738

(6) Requires the other party to use only skills test 56739
examiners who have successfully completed a commercial driver's 56740
license examiner training course as prescribed by the director, 56741
and have been certified by the state as a commercial driver's 56742
license skills test examiner qualified to administer skills 56743
tests; 56744

(7) Requires the other party to use designated road test 56745
routes that have been approved by the director; 56746

(8) Requires the other party to submit a schedule of 56747
skills test appointments to the director not later than two 56748
business days prior to each skills test; 56749

(9) Requires the other party to maintain copies of the 56750
following records at its principal place of business: 56751

(a) The other party's commercial driver's license skills 56752
testing program certificate; 56753

(b) Each skills test examiner's certificate of 56754
authorization to administer skills tests for the classes and 56755
types of commercial motor vehicles listed in the certificate; 56756

(c) Each completed skills test scoring sheet for the 56757
current calendar year as well as the prior two calendar years; 56758

(d) A complete list of the test routes that have been 56759
approved by the director; 56760

(e) A complete and accurate copy of each examiner's 56761
training record. 56762

(10) If the other party also is a driver training school, 56763
prohibits its skills test examiners from administering skills 56764
tests to applicants that the examiner personally trained; 56765

(11) Requires each skills test examiner to administer a 56766
complete skills test to a minimum of thirty-two different 56767
individuals per calendar year; 56768

(12) Reserves to this state the right to take prompt and 56769
appropriate remedial action against the other party and its 56770
skills test examiners if the other party or its skills test 56771
examiners fail to comply with standards of this state or federal 56772
standards for the testing program or with any other terms of the 56773
contract. 56774

(C) The director shall enter into an agreement with the 56775
department of education and workforce authorizing the skills 56776
test specified in this section to be administered by the 56777
department at any location operated by the department for 56778
purposes of training and testing school bus drivers, provided 56779
that the agreement between the director and the department 56780
complies with the requirements of division (B) of this section. 56781
Skills tests administered by the department shall be limited to 56782
persons applying for a commercial driver's license with a school 56783
bus endorsement. 56784

(D) (1) The director shall adopt rules, in accordance with 56785
Chapter 119. of the Revised Code, authorizing waiver of the 56786
skills test specified in this section for any applicant for a 56787
commercial driver's license who meets all of the following 56788
requirements: 56789

(a) As authorized under 49 C.F.R. 383.77, the applicant 56790
operates a commercial motor vehicle for military purposes and is 56791

one of the following:	56792
(i) Active duty military personnel;	56793
(ii) A member of the military reserves;	56794
(iii) A member of the national guard on active duty,	56795
including full-time national guard duty, part-time national	56796
guard training, and national guard military technicians;	56797
(iv) Active duty U.S. coast guard personnel.	56798
(b) The applicant certifies that, during the two-year	56799
period immediately preceding application for a commercial	56800
driver's license, all of the following apply:	56801
(i) The applicant has not had more than one license,	56802
excluding any military license.	56803
(ii) The applicant has not had any license suspended,	56804
revoked, or canceled.	56805
(iii) The applicant has not had any convictions for any	56806
type of motor vehicle for the offenses for which	56807
disqualification is prescribed in section 4506.16 of the Revised	56808
Code.	56809
(iv) The applicant has not had more than one conviction	56810
for any type of motor vehicle for a serious traffic violation.	56811
(v) The applicant has not had any violation of a state or	56812
local law relating to motor vehicle traffic control other than a	56813
parking violation arising in connection with any traffic	56814
accident and has no record of an accident in which the applicant	56815
was at fault.	56816
(c) In accordance with rules adopted by the director, the	56817
applicant certifies and also provides evidence of all of the	56818

following: 56819

(i) That the applicant is or was regularly employed in a 56820
military position requiring operation of a commercial motor 56821
vehicle; 56822

(ii) That the applicant was exempt from the requirements 56823
of this chapter under division (B) (6) of section 4506.03 of the 56824
Revised Code; 56825

(iii) That, for at least two years immediately preceding 56826
the date of application or at least two years immediately 56827
preceding the date the applicant separated from military service 56828
or employment, the applicant regularly operated a vehicle 56829
representative of the commercial motor vehicle type that the 56830
applicant operates or expects to operate. 56831

(2) The waiver established under division (D) (1) of this 56832
section does not apply to United States reserve technicians. 56833

(E) (1) The department of public safety may charge and 56834
collect a divisible fee of fifty dollars for each skills test 56835
given as part of a commercial driver's license examination. The 56836
fee shall consist of ten dollars for the pre-trip inspection 56837
portion of the test, ten dollars for the off-road maneuvering 56838
portion of the test, and thirty dollars for the on-road portion 56839
of the test. 56840

(2) No applicant is eligible to take the skills test until 56841
a minimum of fourteen days have elapsed since the initial 56842
issuance of a commercial driver's license temporary instruction 56843
permit to the applicant. The director may require an applicant 56844
for a commercial driver's license who schedules an appointment 56845
with the highway patrol or other authorized employee of the 56846
department of public safety to take all portions of the skills 56847

test and to pay an appointment fee of fifty dollars at the time 56848
of scheduling the appointment. If the applicant appears at the 56849
time and location specified for the appointment and takes all 56850
portions of the skills test during that appointment, the 56851
appointment fee serves as the skills test fee. If the applicant 56852
schedules an appointment to take all portions of the skills test 56853
and fails to appear at the time and location specified for the 56854
appointment, the director shall not refund any portion of the 56855
appointment fee. If the applicant schedules an appointment to 56856
take all portions of the skills test and appears at the time and 56857
location specified for the appointment, but declines or is 56858
unable to take all portions of the skills test, the director 56859
shall not refund any portion of the appointment fee. If the 56860
applicant cancels a scheduled appointment forty-eight hours or 56861
more prior to the time of the appointment time, the applicant 56862
shall not forfeit the appointment fee. 56863

An applicant for a commercial driver's license who 56864
schedules an appointment to take one or more, but not all, 56865
portions of the skills test is required to pay an appointment 56866
fee equal to the costs of each test scheduled, as prescribed in 56867
division (E) (1) of this section, when scheduling such an 56868
appointment. If the applicant appears at the time and location 56869
specified for the appointment and takes all the portions of the 56870
skills test during that appointment that the applicant was 56871
scheduled to take, the appointment fee serves as the skills test 56872
fee. If the applicant schedules an appointment to take one or 56873
more, but not all, portions of the skills test and fails to 56874
appear at the time and location specified for the appointment, 56875
the director shall not refund any portion of the appointment 56876
fee. If the applicant schedules an appointment to take one or 56877
more, but not all, portions of the skills test and appears at 56878

the time and location specified for the appointment, but 56879
declines or is unable to take all portions of the skills test 56880
that the applicant was scheduled to take, the director shall not 56881
refund any portion of the appointment fee. If the applicant 56882
cancels a scheduled appointment forty-eight hours or more prior 56883
to the time of the appointment time, the applicant shall not 56884
forfeit the appointment fee. 56885

(3) The department of public safety shall deposit all fees 56886
it collects under division (E) of this section in the public 56887
safety - highway purposes fund established in section 4501.06 of 56888
the Revised Code. 56889

(F) (1) Unless an applicant for a commercial driver's 56890
license has successfully completed the training required under 56891
49 C.F.R. 380, subpart F, the applicant is not eligible to do 56892
any of the following: 56893

(a) Take the skills test required for initial issuance of 56894
a class A or a class B commercial driver's license; 56895

(b) Take the skills test required for initial issuance of 56896
a passenger (P) or school bus (S) endorsement on the applicant's 56897
commercial driver's license; 56898

(c) Take the knowledge test required for initial issuance 56899
of a hazardous materials (H) endorsement on the applicant's 56900
commercial driver's license. 56901

Before an applicant takes the applicable skills or 56902
knowledge test, the registrar shall electronically verify, 56903
through the federal motor carrier safety administration's 56904
training provider registry, that an applicant has completed the 56905
required training under 49 C.F.R. 380, subpart F. 56906

(2) The training required under 49 C.F.R. 380, subpart F, 56907

and under division (F) (1) of this section may be provided by 56908
either of the following: 56909

(a) A driver training school pursuant to section 4508.031 56910
of the Revised Code; 56911

(b) An authorized driver training provider listed on the 56912
federal motor carrier safety administration's training provider 56913
registry. 56914

(G) A person who has successfully completed commercial 56915
driver's license training in this state but seeks a commercial 56916
driver's license in another state where the person is domiciled 56917
may schedule an appointment to take the skills test in this 56918
state and shall pay the appropriate appointment fee. Upon the 56919
person's completion of the skills test, this state shall 56920
electronically transmit the applicant's results to the state 56921
where the person is domiciled. If a person who is domiciled in 56922
this state takes a skills test in another state, this state 56923
shall accept the results of the skills test from the other 56924
state. If the person passed the other state's skills test and 56925
meets all of the other licensing requirements set forth in this 56926
chapter and rules adopted under this chapter, the registrar of 56927
motor vehicles or a deputy registrar shall issue a commercial 56928
driver's license to that person. 56929

(H) Unless otherwise specified, the director or the 56930
director's representative shall conduct the examinations, 56931
inspections, audits, and test monitoring set forth in divisions 56932
(B) (2), (3), and (4) of this section at least annually. If the 56933
other party or any of its skills test examiners fail to comply 56934
with state or federal standards for the skills testing program, 56935
the director or the director's representative shall take prompt 56936
and appropriate remedial action against the party and its skills 56937

test examiners. Remedial action may include termination of the 56938
agreement or revocation of a skills test examiner's 56939
certification. 56940

(I) As used in this section, "skills test" means a test of 56941
an applicant's ability to drive the type of commercial motor 56942
vehicle for which the applicant seeks a commercial driver's 56943
license by having the applicant drive such a motor vehicle while 56944
under the supervision of an authorized state driver's license 56945
examiner or tester. 56946

Sec. 4506.10. (A) No person who holds a valid commercial 56947
driver's license shall drive a commercial motor vehicle unless 56948
the person is physically qualified to do so. 56949

(1) Any person applying for a commercial driver's license 56950
or commercial driver's license temporary instruction permit, the 56951
renewal or upgrade of a commercial driver's license or 56952
commercial driver's license temporary instruction permit, or the 56953
transfer of a commercial driver's license from out of state 56954
shall self-certify to the registrar for purposes of 49 C.F.R. 56955
383.71, one of the following in regard to the applicant's 56956
operation of a commercial motor vehicle, as applicable: 56957

(a) (i) If the applicant operates or expects to operate a 56958
commercial motor vehicle in interstate or foreign commerce and 56959
is subject to and meets the requirements under 49 C.F.R. part 56960
391, the applicant shall self-certify that the applicant is non- 56961
excepted interstate and shall provide the registrar with the 56962
original or a copy of a medical examiner's certificate and each 56963
subsequently issued medical examiner's certificate prepared by a 56964
qualified medical examiner to maintain a medically certified 56965
status on the applicant's commercial driver licensing system 56966
driver record; 56967

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b) (i) If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification required by this section, on or after January 30, 2012, but prior to January 30, 2014.

(B) A person is qualified to drive a school bus if the person holds a valid commercial driver's license along with the proper endorsements, and if the person has been certified as medically qualified in accordance with rules adopted by the department of education and workforce.

(C) (1) Except as provided in division (C) (2) of this section, only a medical examiner who is listed on the national

registry of certified medical examiners established by the 56997
federal motor carrier safety administration shall perform a 56998
medical examination required by this section. 56999

(2) A person licensed under Chapter 4725. of the Revised 57000
Code to practice optometry in this state, or licensed under any 57001
similar law of another state, may perform any part of an 57002
examination required by this section that pertains to visual 57003
acuity, field of vision, and the ability to recognize colors. 57004

(3) The individual who performed an examination conducted 57005
pursuant to this section shall complete any written 57006
documentation of a physical examination on a form that 57007
substantially complies with the requirements of 49 C.F.R. 57008
391.43(h) . 57009

(D) Whenever good cause appears, the registrar, upon 57010
issuing a commercial driver's license or commercial driver's 57011
license temporary instruction permit under this chapter, may 57012
impose restrictions suitable to the licensee's driving ability 57013
with respect to the type of motor vehicle or special mechanical 57014
control devices required on a motor vehicle that the licensee 57015
may operate, or such other restrictions applicable to the 57016
licensee as the registrar determines to be necessary. 57017

The registrar may either issue a special restricted 57018
license or may set forth upon the usual license form the 57019
restrictions imposed. 57020

The registrar, upon receiving satisfactory evidence of any 57021
violation of the restrictions of the license, may impose a class 57022
D license suspension of the license for the period of time 57023
specified in division (B) (4) of section 4510.02 of the Revised 57024
Code. 57025

The registrar, upon receiving satisfactory evidence that
an applicant or holder of a commercial driver's license or
commercial driver's license temporary instruction permit has
violated division (A) (4) of section 4506.04 of the Revised Code
and knowingly given false information in any application or
certification required by section 4506.07 of the Revised Code,
shall cancel the person's commercial driver's license or
commercial driver's license temporary instruction permit or any
pending application from the person for a commercial driver's
license, commercial driver's license temporary instruction
permit, or class D driver's license for a period of at least
sixty days, during which time no application for a commercial
driver's license, commercial driver's license temporary
instruction permit, or class D driver's license shall be
received from the person.

(E) Whoever violates this section is guilty of a
misdemeanor of the first degree.

Sec. 4507.21. (A) Except as provided in section 4507.061
of the Revised Code, each applicant for a driver's license shall
file an application in the office of the registrar of motor
vehicles or of a deputy registrar.

(B) (1) Each person under eighteen years of age applying
for a driver's license issued in this state shall present
satisfactory evidence of having successfully completed any one
of the following:

(a) A driver education course approved by the state
department of education and workforce prior to December 31,
2003.

(b) A driver training course approved by the director of

public safety. 57055

(c) A driver training course comparable to a driver 57056
education or driver training course described in division (B) (1) 57057
(a) or (b) of this section and administered by a branch of the 57058
armed forces of the United States and completed by the applicant 57059
while residing outside this state for the purpose of being with 57060
or near any person serving in the armed forces of the United 57061
States. 57062

(2) Each person under eighteen years of age applying for a 57063
driver's license also shall present, on a form prescribed by the 57064
registrar, an affidavit signed by an eligible adult attesting 57065
that the person has acquired at least fifty hours of actual 57066
driving experience, with at least ten of those hours being at 57067
night. 57068

(C) (1) An applicant for an initial driver's license shall 57069
present satisfactory evidence of successful completion of the 57070
abbreviated driver training course for adults, approved by the 57071
director of public safety under section 4508.02 of the Revised 57072
Code, if all of the following apply: 57073

(a) The applicant is eighteen years of age or older. 57074

(b) The applicant failed the road or maneuverability test 57075
required under division (A) (2) of section 4507.11 of the Revised 57076
Code. 57077

(c) In the twelve months immediately preceding the date of 57078
application, the applicant has not successfully completed a 57079
driver training course. 57080

(2) An applicant shall present satisfactory evidence as 57081
required under division (C) (1) of this section prior to 57082
attempting the test a second or subsequent time. 57083

(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted.

(E) An applicant shall file an application under this section in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of any certificate of completion if issued for purposes of division (B) of this section. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses that have been suspended or canceled.

(F) For purposes of section 2313.06 of the Revised Code, the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would be electors if they were registered to vote, regardless of whether they actually are registered to vote. The lists shall contain the names, addresses, dates of birth, duration of residence in this state, citizenship status, and social security numbers, if the numbers are available, of the licensees, and may contain any other information that the registrar considers suitable.

(G) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B) (2) of this section.

(I) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars.

Sec. 4508.01. As used in this chapter:

(A) "Beginning driver" means any person being trained to

drive a particular motor vehicle who has not been previously 57144
licensed to drive that motor vehicle by any state or country. 57145

(B) "Disabled person" means a person who, in the opinion 57146
of the registrar of motor vehicles, is afflicted with or 57147
suffering from a physical or mental disability or disease that 57148
prevents the person, in the absence of special training or 57149
equipment, from exercising reasonable and ordinary control over 57150
a motor vehicle while operating the vehicle upon the highways. 57151
"Disabled person" does not mean any person who is or has been 57152
subject to any condition resulting in episodic impairment of 57153
consciousness or loss of muscular control and whose condition, 57154
in the opinion of the registrar, is dormant or is sufficiently 57155
under medical control that the person is capable of exercising 57156
reasonable and ordinary control over a motor vehicle. 57157

(C) "Driver training school" or "school" means any of the 57158
following: 57159

(1) A private business enterprise conducted by an 57160
individual, association, partnership, or corporation for the 57161
education and training of persons to operate or drive motor 57162
vehicles, that does any of the following: 57163

(a) Uses public streets or highways to provide training 57164
and charges a consideration or tuition for such services; 57165

(b) Provides an online driver education course approved by 57166
the director of public safety pursuant to division (A) (2) of 57167
section 4508.02 of the Revised Code and charges a consideration 57168
or tuition for the course; 57169

(c) Provides an abbreviated driver training course for 57170
adults that is approved by the director pursuant to division (F) 57171
of section 4508.02 of the Revised Code and charges a 57172

consideration or tuition for the course. 57173

(2) A lead school district as provided in section 4508.09 57174
of the Revised Code; 57175

(3) A board of education of a city, exempted village, 57176
local, or joint vocational school district or the governing 57177
board of an educational service center that offers a driver 57178
education course for high school students enrolled in the 57179
district or in a district served by the educational service 57180
center. 57181

(D) "Instructor" means any person, whether acting for self 57182
as operator of a driver training school or for such a school for 57183
compensation, who teaches, conducts classes of, gives 57184
demonstrations to, or supervises practice of, persons learning 57185
to operate or drive motor vehicles. 57186

(E) "Lead school district" means a school district, 57187
including a joint vocational school district, designated by the 57188
department of education and workforce as either a vocational 57189
education planning district itself or as responsible for 57190
providing primary vocational education leadership within a 57191
vocational education planning district that is composed of a 57192
group of districts. A "vocational education planning district" 57193
is a school district or group of school districts designated by 57194
the department as responsible for planning and providing 57195
vocational education services to students within the district or 57196
group of districts. 57197

Sec. 4511.21. (A) No person shall operate a motor vehicle, 57198
trackless trolley, or streetcar at a speed greater or less than 57199
is reasonable or proper, having due regard to the traffic, 57200
surface, and width of the street or highway and any other 57201

conditions, and no person shall drive any motor vehicle, 57202
trackless trolley, or streetcar in and upon any street or 57203
highway at a greater speed than will permit the person to bring 57204
it to a stop within the assured clear distance ahead. 57205

(B) It is prima-facie lawful, in the absence of a lower 57206
limit declared or established pursuant to this section by the 57207
director of transportation or local authorities, for the 57208
operator of a motor vehicle, trackless trolley, or streetcar to 57209
operate the same at a speed not exceeding the following: 57210

(1) (a) Twenty miles per hour in school zones during school 57211
recess and while children are going to or leaving school during 57212
the opening or closing hours, and when twenty miles per hour 57213
school speed limit signs are erected; except that, on 57214
controlled-access highways and expressways, if the right-of-way 57215
line fence has been erected without pedestrian opening, the 57216
speed shall be governed by division (B) (4) of this section and 57217
on freeways, if the right-of-way line fence has been erected 57218
without pedestrian opening, the speed shall be governed by 57219
divisions (B) (10) and (11) of this section. The end of every 57220
school zone may be marked by a sign indicating the end of the 57221
zone. Nothing in this section or in the manual and 57222
specifications for a uniform system of traffic control devices 57223
shall be construed to require school zones to be indicated by 57224
signs equipped with flashing or other lights, or giving other 57225
special notice of the hours in which the school zone speed limit 57226
is in effect. 57227

(b) As used in this section and in section 4511.212 of the 57228
Revised Code, "school" means all of the following: 57229

(i) Any school chartered under section 3301.16 of the 57230
Revised Code; 57231

(ii) Any nonchartered school that during the preceding 57232
year filed with the department of education and workforce in 57233
compliance with rule 3301-35-08 of the Ohio Administrative Code, 57234
a copy of the school's report for the parents of the school's 57235
pupils certifying that the school meets Ohio minimum standards 57236
for nonchartered, nontax-supported schools and presents evidence 57237
of this filing to the jurisdiction from which it is requesting 57238
the establishment of a school zone; 57239

(iii) Any special elementary school that in writing 57240
requests the county engineer of the county in which the special 57241
elementary school is located to create a school zone at the 57242
location of that school. Upon receipt of such a written request, 57243
the county engineer shall create a school zone at that location 57244
by erecting the appropriate signs. 57245

(iv) Any preschool education program operated by an 57246
educational service center that is located on a street or 57247
highway with a speed limit of forty-five miles per hour or more, 57248
when the educational service center in writing requests that the 57249
county engineer of the county in which the program is located 57250
create a school zone at the location of that program. Upon 57251
receipt of such a written request, the county engineer shall 57252
create a school zone at that location by erecting the 57253
appropriate signs. 57254

(c) As used in this section, "school zone" means that 57255
portion of a street or highway passing a school fronting upon 57256
the street or highway that is encompassed by projecting the 57257
school property lines to the fronting street or highway, and 57258
also includes that portion of a state highway. Upon request from 57259
local authorities for streets and highways under their 57260
jurisdiction and that portion of a state highway under the 57261

jurisdiction of the director of transportation or a request from 57262
a county engineer in the case of a school zone for a special 57263
elementary school, the director may extend the traditional 57264
school zone boundaries. The distances in divisions (B) (1) (c) (i), 57265
(ii), and (iii) of this section shall not exceed three hundred 57266
feet per approach per direction and are bounded by whichever of 57267
the following distances or combinations thereof the director 57268
approves as most appropriate: 57269

(i) The distance encompassed by projecting the school 57270
building lines normal to the fronting highway and extending a 57271
distance of three hundred feet on each approach direction; 57272

(ii) The distance encompassed by projecting the school 57273
property lines intersecting the fronting highway and extending a 57274
distance of three hundred feet on each approach direction; 57275

(iii) The distance encompassed by the special marking of 57276
the pavement for a principal school pupil crosswalk plus a 57277
distance of three hundred feet on each approach direction of the 57278
highway. 57279

Nothing in this section shall be construed to invalidate 57280
the director's initial action on August 9, 1976, establishing 57281
all school zones at the traditional school zone boundaries 57282
defined by projecting school property lines, except when those 57283
boundaries are extended as provided in divisions (B) (1) (a) and 57284
(c) of this section. 57285

(d) As used in this division, "crosswalk" has the meaning 57286
given that term in division (LL) (2) of section 4511.01 of the 57287
Revised Code. 57288

The director may, upon request by resolution of the 57289
legislative authority of a municipal corporation, the board of 57290

trustees of a township, or a county board of developmental 57291
disabilities created pursuant to Chapter 5126. of the Revised 57292
Code, and upon submission by the municipal corporation, 57293
township, or county board of such engineering, traffic, and 57294
other information as the director considers necessary, designate 57295
a school zone on any portion of a state route lying within the 57296
municipal corporation, lying within the unincorporated territory 57297
of the township, or lying adjacent to the property of a school 57298
that is operated by such county board, that includes a crosswalk 57299
customarily used by children going to or leaving a school during 57300
recess and opening and closing hours, whenever the distance, as 57301
measured in a straight line, from the school property line 57302
nearest the crosswalk to the nearest point of the crosswalk is 57303
no more than one thousand three hundred twenty feet. Such a 57304
school zone shall include the distance encompassed by the 57305
crosswalk and extending three hundred feet on each approach 57306
direction of the state route. 57307

(e) As used in this section, "special elementary school" 57308
means a school that meets all of the following criteria: 57309

(i) It is not chartered and does not receive tax revenue 57310
from any source. 57311

(ii) It does not educate children beyond the eighth grade. 57312

(iii) It is located outside the limits of a municipal 57313
corporation. 57314

(iv) A majority of the total number of students enrolled 57315
at the school are not related by blood. 57316

(v) The principal or other person in charge of the special 57317
elementary school annually sends a report to the superintendent 57318
of the school district in which the special elementary school is 57319

located indicating the total number of students enrolled at the 57320
school, but otherwise the principal or other person in charge 57321
does not report any other information or data to the 57322
superintendent. 57323

(2) Twenty-five miles per hour in all other portions of a 57324
municipal corporation, except on state routes outside business 57325
districts, through highways outside business districts, and 57326
alleys; 57327

(3) Thirty-five miles per hour on all state routes or 57328
through highways within municipal corporations outside business 57329
districts, except as provided in divisions (B) (4) and (6) of 57330
this section; 57331

(4) Fifty miles per hour on controlled-access highways and 57332
expressways within municipal corporations, except as provided in 57333
divisions (B) (12), (13), (14), (15), and (16) of this section; 57334

(5) Fifty-five miles per hour on highways outside 57335
municipal corporations, other than highways within island 57336
jurisdictions as provided in division (B) (8) of this section, 57337
highways as provided in divisions (B) (9) and (10) of this 57338
section, and highways, expressways, and freeways as provided in 57339
divisions (B) (12), (13), (14), and (16) of this section; 57340

(6) Fifty miles per hour on state routes within municipal 57341
corporations outside urban districts unless a lower prima-facie 57342
speed is established as further provided in this section; 57343

(7) Fifteen miles per hour on all alleys within the 57344
municipal corporation; 57345

(8) Thirty-five miles per hour on highways outside 57346
municipal corporations that are within an island jurisdiction; 57347

- (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; 57348
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- (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; 57352
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- (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; 57355
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- (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; 57358
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- (13) Sixty-five miles per hour on all rural expressways without traffic control signals; 57362
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- (14) Seventy miles per hour on all rural freeways; 57364
- (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; 57365
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- (16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas. 57370
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- (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 57373
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established pursuant to this section by the director or local 57376
authorities and it is unlawful for any person to exceed any of 57377
the speed limitations in division (D) of this section. No person 57378
shall be convicted of more than one violation of this section 57379
for the same conduct, although violations of more than one 57380
provision of this section may be charged in the alternative in a 57381
single affidavit. 57382

(D) No person shall operate a motor vehicle, trackless 57383
trolley, or streetcar upon a street or highway as follows: 57384

(1) At a speed exceeding fifty-five miles per hour, except 57385
upon a two-lane state route as provided in division (B)(10) of 57386
this section and upon a highway, expressway, or freeway as 57387
provided in divisions (B)(12), (13), (14), and (16) of this 57388
section; 57389

(2) At a speed exceeding sixty miles per hour upon a two- 57390
lane state route as provided in division (B)(10) of this section 57391
and upon a highway as provided in division (B)(12) of this 57392
section; 57393

(3) At a speed exceeding sixty-five miles per hour upon an 57394
expressway as provided in division (B)(13) or upon a freeway as 57395
provided in division (B)(16) of this section, except upon a 57396
freeway as provided in division (B)(14) of this section; 57397

(4) At a speed exceeding seventy miles per hour upon a 57398
freeway as provided in division (B)(14) of this section; 57399

(5) At a speed exceeding the posted speed limit upon a 57400
highway, expressway, or freeway for which the director has 57401
determined and declared a speed limit pursuant to division (I) 57402
(2) or (L)(2) of this section. 57403

(E) In every charge of violation of this section the 57404

affidavit and warrant shall specify the time, place, and speed 57405
at which the defendant is alleged to have driven, and in charges 57406
made in reliance upon division (C) of this section also the 57407
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 57408
(9) of, or a limit declared or established pursuant to, this 57409
section declares is prima-facie lawful at the time and place of 57410
such alleged violation, except that in affidavits where a person 57411
is alleged to have driven at a greater speed than will permit 57412
the person to bring the vehicle to a stop within the assured 57413
clear distance ahead the affidavit and warrant need not specify 57414
the speed at which the defendant is alleged to have driven. 57415

(F) When a speed in excess of both a prima-facie 57416
limitation and a limitation in division (D) of this section is 57417
alleged, the defendant shall be charged in a single affidavit, 57418
alleging a single act, with a violation indicated of both 57419
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 57420
section, or of a limit declared or established pursuant to this 57421
section by the director or local authorities, and of the 57422
limitation in division (D) of this section. If the court finds a 57423
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 57424
or (9) of, or a limit declared or established pursuant to, this 57425
section has occurred, it shall enter a judgment of conviction 57426
under such division and dismiss the charge under division (D) of 57427
this section. If it finds no violation of division (B) (1) (a), 57428
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 57429
established pursuant to, this section, it shall then consider 57430
whether the evidence supports a conviction under division (D) of 57431
this section. 57432

(G) Points shall be assessed for violation of a limitation 57433
under division (D) of this section in accordance with section 57434
4510.036 of the Revised Code. 57435

(H) (1) Whenever the director determines upon the basis of
criteria established by an engineering study, as defined by the
director, that any speed limit set forth in divisions (B) (1) (a)
to (D) of this section is greater or less than is reasonable or
safe under the conditions found to exist at any portion of a
street or highway under the jurisdiction of the director, the
director shall determine and declare a reasonable and safe
prima-facie speed limit, which shall be effective when
appropriate signs giving notice of it are erected at the
location.

(2) Whenever the director determines upon the basis of
criteria established by an engineering study, as defined by the
director, that the speed limit of fifty-five miles per hour on a
two-lane state route outside a municipal corporation is less
than is reasonable or safe under the conditions found to exist
at that portion of the state route, the director may determine
and declare a speed limit of sixty miles per hour for that
portion of the state route, which shall be effective when
appropriate signs giving notice of it are erected at the
location.

(3) (a) For purposes of the safe and orderly movement of
traffic upon any portion of a street or highway under the
jurisdiction of the director, the director may establish a
variable speed limit that is different than the speed limit
established by or under this section on all or portions of
interstate six hundred seventy, interstate two hundred seventy-
five, and interstate ninety commencing at the intersection of
that interstate with interstate seventy-one and continuing to
the border of the state of Ohio with the state of Pennsylvania.
The director shall establish criteria for determining the
appropriate use of variable speed limits and shall establish

variable speed limits in accordance with the criteria. The 57467
director may establish variable speed limits based upon the time 57468
of day, weather conditions, traffic incidents, or other factors 57469
that affect the safe speed on a street or highway. The director 57470
shall not establish a variable speed limit that is based on a 57471
particular type or class of vehicle. A variable speed limit 57472
established by the director under this section is effective when 57473
appropriate signs giving notice of the speed limit are displayed 57474
at the location. 57475

(b) Except for variable speed limits established under 57476
division (H) (3) (a) of this section, the director shall establish 57477
a variable speed limit under the authority granted to the 57478
director by this section on not more than two additional 57479
highways and only pursuant to criteria established in rules 57480
adopted in accordance with Chapter 119. of the Revised Code. The 57481
rules shall be based on the criteria described in division (H) 57482
(3) (a) of this section. The rules also shall establish the 57483
parameters of any engineering study necessary for determining 57484
when variable speed limits are appropriate. 57485

(4) Nothing in this section shall be construed to limit 57486
the authority of the director to establish speed limits within a 57487
construction zone as authorized under section 4511.98 of the 57488
Revised Code. 57489

(I) (1) Except as provided in divisions (I) (2), (J), (K), 57490
and (N) of this section, whenever local authorities determine 57491
upon the basis of criteria established by an engineering study, 57492
as defined by the director, that the speed permitted by 57493
divisions (B) (1) (a) to (D) of this section, on any part of a 57494
highway under their jurisdiction, is greater than is reasonable 57495
and safe under the conditions found to exist at such location, 57496

the local authorities may by resolution request the director to 57497
determine and declare a reasonable and safe prima-facie speed 57498
limit. Upon receipt of such request the director may determine 57499
and declare a reasonable and safe prima-facie speed limit at 57500
such location, and if the director does so, then such declared 57501
speed limit shall become effective only when appropriate signs 57502
giving notice thereof are erected at such location by the local 57503
authorities. The director may withdraw the declaration of a 57504
prima-facie speed limit whenever in the director's opinion the 57505
altered prima-facie speed limit becomes unreasonable. Upon such 57506
withdrawal, the declared prima-facie speed limit shall become 57507
ineffective and the signs relating thereto shall be immediately 57508
removed by the local authorities. 57509

(2) A local authority may determine on the basis of 57510
criteria established by an engineering study, as defined by the 57511
director, that the speed limit of sixty-five or seventy miles 57512
per hour on a portion of a freeway under its jurisdiction is 57513
greater than is reasonable or safe under the conditions found to 57514
exist at that portion of the freeway. If the local authority 57515
makes such a determination, the local authority by resolution 57516
may request the director to determine and declare a reasonable 57517
and safe speed limit of not less than fifty-five miles per hour 57518
for that portion of the freeway. If the director takes such 57519
action, the declared speed limit becomes effective only when 57520
appropriate signs giving notice of it are erected at such 57521
location by the local authority. 57522

(J) Local authorities in their respective jurisdictions 57523
may authorize by ordinance higher prima-facie speeds than those 57524
stated in this section upon through highways, or upon highways 57525
or portions thereof where there are no intersections, or between 57526
widely spaced intersections, provided signs are erected giving 57527

notice of the authorized speed, but local authorities shall not 57528
modify or alter the basic rule set forth in division (A) of this 57529
section or in any event authorize by ordinance a speed in excess 57530
of the maximum speed permitted by division (D) of this section 57531
for the specified type of highway. 57532

Alteration of prima-facie limits on state routes by local 57533
authorities shall not be effective until the alteration has been 57534
approved by the director. The director may withdraw approval of 57535
any altered prima-facie speed limits whenever in the director's 57536
opinion any altered prima-facie speed becomes unreasonable, and 57537
upon such withdrawal, the altered prima-facie speed shall become 57538
ineffective and the signs relating thereto shall be immediately 57539
removed by the local authorities. 57540

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 57541
this section, "unimproved highway" means a highway consisting of 57542
any of the following: 57543

(a) Unimproved earth; 57544

(b) Unimproved graded and drained earth; 57545

(c) Gravel. 57546

(2) Except as otherwise provided in divisions (K) (4) and 57547
(5) of this section, whenever a board of township trustees 57548
determines upon the basis of criteria established by an 57549
engineering study, as defined by the director, that the speed 57550
permitted by division (B) (5) of this section on any part of an 57551
unimproved highway under its jurisdiction and in the 57552
unincorporated territory of the township is greater than is 57553
reasonable or safe under the conditions found to exist at the 57554
location, the board may by resolution declare a reasonable and 57555
safe prima-facie speed limit of fifty-five but not less than 57556

twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3) (a) Whenever, in the opinion of a board of township 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 57587
than is reasonable or safe under the conditions found to exist 57588
at the location and both boards agree upon a reasonable and safe 57589
prima-facie speed limit of less than fifty-five but not less 57590
than twenty-five miles per hour for that location. If both 57591
boards so agree, each shall follow the procedure specified in 57592
division (K) (2) of this section for altering the prima-facie 57593
speed limit on the highway. Except as otherwise provided in 57594
division (K) (4) (b) of this section, no speed limit altered 57595
pursuant to division (K) (4) (a) of this section may be withdrawn 57596
unless the boards of township trustees of both townships 57597
determine that the altered prima-facie speed limit previously 57598
adopted becomes unreasonable and each board adopts a resolution 57599
withdrawing the altered prima-facie speed limit pursuant to the 57600
procedure specified in division (K) (3) (a) of this section. 57601

(b) Whenever a highway described in division (K) (4) (a) of 57602
this section ceases to be an unimproved highway and two boards 57603
of township trustees have adopted an altered prima-facie speed 57604
limit pursuant to division (K) (4) (a) of this section, both 57605
boards shall, by resolution, withdraw the altered prima-facie 57606
speed limit as soon as the highway ceases to be unimproved. Upon 57607
the adoption of the resolution, the altered prima-facie speed 57608
limit becomes ineffective and the traffic control devices 57609
relating thereto shall be immediately removed. 57610

(5) As used in division (K) (5) of this section: 57611

(a) "Commercial subdivision" means any platted territory 57612
outside the limits of a municipal corporation and fronting a 57613
highway where, for a distance of three hundred feet or more, the 57614
frontage is improved with buildings in use for commercial 57615
purposes, or where the entire length of the highway is less than 57616

three hundred feet long and the frontage is improved with 57617
buildings in use for commercial purposes. 57618

(b) "Residential subdivision" means any platted territory 57619
outside the limits of a municipal corporation and fronting a 57620
highway, where, for a distance of three hundred feet or more, 57621
the frontage is improved with residences or residences and 57622
buildings in use for business, or where the entire length of the 57623
highway is less than three hundred feet long and the frontage is 57624
improved with residences or residences and buildings in use for 57625
business. 57626

Whenever a board of township trustees finds upon the basis 57627
of criteria established by an engineering study, as defined by 57628
the director, that the prima-facie speed permitted by division 57629
(B) (5) of this section on any part of a highway under its 57630
jurisdiction that is located in a commercial or residential 57631
subdivision, except on highways or portions thereof at the 57632
entrances to which vehicular traffic from the majority of 57633
intersecting highways is required to yield the right-of-way to 57634
vehicles on such highways in obedience to stop or yield signs or 57635
traffic control signals, is greater than is reasonable and safe 57636
under the conditions found to exist at the location, the board 57637
may by resolution declare a reasonable and safe prima-facie 57638
speed limit of less than fifty-five but not less than twenty- 57639
five miles per hour at the location. An altered speed limit 57640
adopted by a board of township trustees under this division 57641
shall become effective when appropriate signs giving notice 57642
thereof are erected at the location by the township. Whenever, 57643
in the opinion of a board of township trustees, any altered 57644
prima-facie speed limit established by it under this division 57645
becomes unreasonable, it may adopt a resolution withdrawing the 57646
altered prima-facie speed, and upon such withdrawal, the altered 57647

prima-facie speed shall become ineffective, and the signs 57648
relating thereto shall be immediately removed by the township. 57649

(L) (1) The director of transportation, based upon an 57650
engineering study, as defined by the director, of a highway, 57651
expressway, or freeway described in division (B) (12), (13), 57652
(14), (15), or (16) of this section, in consultation with the 57653
director of public safety and, if applicable, the local 57654
authority having jurisdiction over the studied highway, 57655
expressway, or freeway, may determine and declare that the speed 57656
limit established on such highway, expressway, or freeway under 57657
division (B) (12), (13), (14), (15), or (16) of this section 57658
either is reasonable and safe or is more or less than that which 57659
is reasonable and safe. 57660

(2) If the established speed limit for a highway, 57661
expressway, or freeway studied pursuant to division (L) (1) of 57662
this section is determined to be more or less than that which is 57663
reasonable and safe, the director of transportation, in 57664
consultation with the director of public safety and, if 57665
applicable, the local authority having jurisdiction over the 57666
studied highway, expressway, or freeway, shall determine and 57667
declare a reasonable and safe speed limit for that highway, 57668
expressway, or freeway. 57669

(M) (1) (a) If the boundary of two local authorities rests 57670
on the centerline of a highway and both authorities have 57671
jurisdiction over the highway, the speed limit for the part of 57672
the highway within their joint jurisdiction shall be either one 57673
of the following as agreed to by both authorities: 57674

(i) Either prima-facie speed limit permitted by division 57675
(B) of this section; 57676

(ii) An altered speed limit determined and posted in accordance with this section. 57677
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(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 57679
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(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 an engineering study, as defined by the director, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform 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 authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section. 57682
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(N) The legislative authority of a municipal corporation or township in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For 57701
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purposes of determining the boundaries of the boarding school zone, the altered speed limit within the boarding school zone, and the hours the altered speed limit is in effect, the legislative authority shall consult with the administration of the boarding school and with the county engineer or other appropriate engineer, as applicable. A boarding school zone speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.

(0) As used in this section: 57715

(1) "Interstate system" has the same meaning as in 23 U.S.C. 101. 57716
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(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 57718
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(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. 57721
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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. 57725
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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. 57729
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(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 57733
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(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth

degree. 57764

(3) Notwithstanding division (P)(1) of this section, if 57765
the offender operated a motor vehicle in a construction zone 57766
where a sign was then posted in accordance with section 4511.98 57767
of the Revised Code, the court, in addition to all other 57768
penalties provided by law, shall impose upon the offender a fine 57769
of two times the usual amount imposed for the violation. No 57770
court shall impose a fine of two times the usual amount imposed 57771
for the violation upon an offender if the offender alleges, in 57772
an affidavit filed with the court prior to the offender's 57773
sentencing, that the offender is indigent and is unable to pay 57774
the fine imposed pursuant to this division and if the court 57775
determines that the offender is an indigent person and unable to 57776
pay the fine. 57777

(4) If the offender commits the offense while distracted 57778
and the distracting activity is a contributing factor to the 57779
commission of the offense, the offender is subject to the 57780
additional fine established under section 4511.991 of the 57781
Revised Code. 57782

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 57783
trackless trolley upon meeting or overtaking from either 57784
direction any school bus stopped for the purpose of receiving or 57785
discharging any school child, person attending programs offered 57786
by community boards of mental health and county boards of 57787
developmental disabilities, or child attending a program offered 57788
by a head start agency, shall stop at least ten feet from the 57789
front or rear of the school bus and shall not proceed until such 57790
school bus resumes motion, or until signaled by the school bus 57791
driver to proceed. 57792

It is no defense to a charge under this division that the 57793

school bus involved failed to display or be equipped with an 57794
automatically extended stop warning sign as required by division 57795
(B) of this section. 57796

(B) Every school bus shall be equipped with amber and red 57797
visual signals meeting the requirements of section 4511.771 of 57798
the Revised Code, and an automatically extended stop warning 57799
sign of a type approved by the ~~state board~~ department of 57800
education and workforce, which shall be actuated by the driver 57801
of the bus whenever but only whenever the bus is stopped or 57802
stopping on the roadway for the purpose of receiving or 57803
discharging school children, persons attending programs offered 57804
by community boards of mental health and county boards of 57805
developmental disabilities, or children attending programs 57806
offered by head start agencies. A school bus driver shall not 57807
actuate the visual signals or the stop warning sign in 57808
designated school bus loading areas where the bus is entirely 57809
off the roadway or at school buildings when children or persons 57810
attending programs offered by community boards of mental health 57811
and county boards of developmental disabilities are loading or 57812
unloading at curbside or at buildings when children attending 57813
programs offered by head start agencies are loading or unloading 57814
at curbside. The visual signals and stop warning sign shall be 57815
synchronized or otherwise operated as required by rule of the 57816
board. 57817

(C) Where a highway has been divided into four or more 57818
traffic lanes, a driver of a vehicle, streetcar, or trackless 57819
trolley need not stop for a school bus approaching from the 57820
opposite direction which has stopped for the purpose of 57821
receiving or discharging any school child, persons attending 57822
programs offered by community boards of mental health and county 57823
boards of developmental disabilities, or children attending 57824

programs offered by head start agencies. The driver of any 57825
vehicle, streetcar, or trackless trolley overtaking the school 57826
bus shall comply with division (A) of this section. 57827

(D) School buses operating on divided highways or on 57828
highways with four or more traffic lanes shall receive and 57829
discharge all school children, persons attending programs 57830
offered by community boards of mental health and county boards 57831
of developmental disabilities, and children attending programs 57832
offered by head start agencies on their residence side of the 57833
highway. 57834

(E) No school bus driver shall start the driver's bus 57835
until after any child, person attending programs offered by 57836
community boards of mental health and county boards of 57837
developmental disabilities, or child attending a program offered 57838
by a head start agency who may have alighted therefrom has 57839
reached a place of safety on the child's or person's residence 57840
side of the road. 57841

(F) (1) Whoever violates division (A) of this section may 57842
be fined an amount not to exceed five hundred dollars. A person 57843
who is issued a citation for a violation of division (A) of this 57844
section is not permitted to enter a written plea of guilty and 57845
waive the person's right to contest the citation in a trial but 57846
instead must appear in person in the proper court to answer the 57847
charge. 57848

(2) In addition to and independent of any other penalty 57849
provided by law, the court or mayor may impose upon an offender 57850
who violates this section a class seven suspension of the 57851
offender's driver's license, commercial driver's license, 57852
temporary instruction permit, probationary license, or 57853
nonresident operating privilege from the range specified in 57854

division (A) (7) of section 4510.02 of the Revised Code. When a
license is suspended under this section, the court or mayor
shall cause the offender to deliver the license to the court,
and the court or clerk of the court immediately shall forward
the license to the registrar of motor vehicles, together with
notice of the court's action.

(G) As used in this section: 57861

(1) "Head start agency" has the same meaning as in section
3301.32 of the Revised Code. 57862
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(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 57883

the advice of the director of public safety, shall adopt and 57884
enforce rules relating to the operation of all vehicles used for 57885
pupil transportation. 57886

(C) No person shall operate a vehicle used for pupil 57887
transportation within this state in violation of the rules of 57888
the department of education and workforce or the department of 57889
public safety. No person, being the owner thereof or having the 57890
supervisory responsibility therefor, shall permit the operation 57891
of a vehicle used for pupil transportation within this state in 57892
violation of the rules of the department of education and 57893
workforce or the department of public safety. 57894

(D) The department of public safety shall adopt and 57895
enforce rules relating to the issuance of a license under 57896
section 4511.763 of the Revised Code. The rules may relate to 57897
the condition of the equipment to be operated; the liability and 57898
property damage insurance carried by the applicant; the posting 57899
of satisfactory and sufficient bond; and such other rules as the 57900
director of public safety determines reasonably necessary for 57901
the safety of the pupils to be transported. 57902

(E) A chartered nonpublic school may own and operate, or 57903
contract with a vendor that supplies, a vehicle originally 57904
designed for not more than nine passengers, not including the 57905
driver, to transport students to and from regularly scheduled 57906
school sessions when one of the following applies: 57907

(1) A student's school district of residence has declared 57908
the transportation of the student impractical pursuant to 57909
section 3327.02 of the Revised Code; or 57910

(2) A student does not live within thirty minutes of the 57911
chartered nonpublic school and the student's school district is 57912

not required to transport the student under section 3327.01 of 57913
the Revised Code. 57914

(F) As used in this section, "vehicle used for pupil 57915
transportation" means any vehicle that is identified as such by 57916
the department of education and workforce by rule and that is 57917
subject to Chapter 3301-83 of the Administrative Code. 57918

(G) Except as otherwise provided in this division, whoever 57919
violates this section is guilty of a minor misdemeanor. If the 57920
offender previously has been convicted of or pleaded guilty to 57921
one or more violations of this section or section 4511.63, 57922
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 57923
Code or a municipal ordinance that is substantially similar to 57924
any of those sections, whoever violates this section is guilty 57925
of a misdemeanor of the fourth degree. 57926

Sec. 4709.07. (A) Each person who desires to obtain an 57927
initial license to practice barbering shall apply to the state 57928
cosmetology and barber board, on forms provided by the board. 57929
The application form shall include the name of the person 57930
applying for the license and evidence that the applicant meets 57931
all of the requirements of division (B) of this section. The 57932
application shall be accompanied by two signed current 57933
photographs of the applicant, in the size determined by the 57934
board, that show only the head and shoulders of the applicant, 57935
and the examination application fee. 57936

(B) In order to take the required barber examination and 57937
to qualify for licensure as a barber, an applicant must 57938
demonstrate that the applicant meets all of the following: 57939

(1) Is at least eighteen years of age; 57940

(2) Has an eighth grade education or an equivalent 57941

education as determined by the ~~state board~~ department of 57942
education and workforce, or equivalent organization in the state 57943
where the applicant resides; 57944

(3) Has graduated with at least one thousand eight hundred 57945
hours of training from a board-approved barber school or has 57946
graduated with at least one thousand hours of training from a 57947
board-approved barber school in this state and has a current 57948
cosmetology or hair designer license issued pursuant to Chapter 57949
4713. of the Revised Code. No hours of instruction earned by an 57950
applicant five or more years prior to the examination apply to 57951
the hours of study required by this division. 57952

(C) Any applicant who meets all of the requirements of 57953
divisions (A) and (B) of this section may take the barber 57954
examination at the time and place specified by the board. If the 57955
applicant fails to attain at least a seventy-five per cent pass 57956
rate on each part of the examination, the applicant is 57957
ineligible for licensure; however, the applicant may reapply for 57958
examination within ninety days after the date of the release of 57959
the examination scores by paying the required reexamination fee. 57960
An applicant is only required to take that part or parts of the 57961
examination on which the applicant did not receive a score of 57962
seventy-five per cent or higher. If the applicant fails to 57963
reapply for examination within ninety days or fails the second 57964
examination, in order to reapply for examination for licensure 57965
the applicant shall complete an additional course of study of 57966
not less than two hundred hours, in a board-approved barber 57967
school. The board shall provide to an applicant, upon request, a 57968
report which explains the reasons for the applicant's failure to 57969
pass the examination. 57970

(D) The board shall issue a license to practice barbering 57971

to any applicant who, to the satisfaction of the board, meets 57972
the requirements of divisions (A) and (B) of this section, who 57973
passes the required examination, and pays the initial licensure 57974
fee. Every licensed barber shall display the certificate of 57975
licensure in a conspicuous place adjacent to or near the 57976
licensed barber's work chair, along with a signed current 57977
photograph, in the size determined by the board, showing head 57978
and shoulders only. 57979

Sec. 4709.10. (A) Each person who desires to obtain a 57980
license to operate a barber school shall apply to the state 57981
cosmetology and barber board, on forms provided by the board. 57982
The board shall issue a barber school license to a person if the 57983
board determines that the person meets and will comply with all 57984
of the requirements of division (B) of this section and pays the 57985
required licensure and inspection fees. 57986

(B) In order for a person to qualify for a license to 57987
operate a barber school, the barber school to be operated by the 57988
person must meet all of the following requirements: 57989

(1) Have a training facility sufficient to meet the 57990
required educational curriculum established by the board, 57991
including enough space to accommodate all the facilities and 57992
equipment required by rule by the board; 57993

(2) Provide sufficient licensed teaching personnel to meet 57994
the minimum pupil-teacher ratio established by rule of the 57995
board; 57996

(3) Have established and provide to the board proof that 57997
it has met all of the board requirements to operate a barber 57998
school, as adopted by rule of the board; 57999

(4) File with the board a program of its curriculum, 58000

accounting for not less than one thousand eight hundred hours of 58001
instruction in the courses of theory and practical demonstration 58002
required by rule of the board; 58003

(5) File with the board a surety bond in the amount of ten 58004
thousand dollars issued by a bonding company licensed to do 58005
business in this state. The bond shall be in the form prescribed 58006
by the board and conditioned upon the barber school's continued 58007
instruction in the theory and practice of barbering. The bond 58008
shall continue in effect until notice of its termination is 58009
provided to the board. In no event, however, shall the bond be 58010
terminated while the barber school is in operation. Any student 58011
who is injured or damaged by reason of a barber school's failure 58012
to continue instruction in the theory and practice of barbering 58013
may maintain an action on the bond against the barber school or 58014
the surety, or both, for the recovery of any money or tuition 58015
paid in advance for instruction in the theory and practice of 58016
barbering which was not received. The aggregate liability of the 58017
surety to all students shall not exceed the sum of the bond. 58018

(6) Maintain adequate record keeping to ensure that it has 58019
met the requirements for records of student progress as required 58020
by board rule; 58021

(7) Establish minimum standards for acceptance of student 58022
applicants for admission to the barber school. The barber school 58023
may establish entrance requirements which are more stringent 58024
than those prescribed by the board, but the requirements must at 58025
a minimum require the applicant to meet all of the following: 58026

(a) Be at least seventeen years of age; 58027

(b) Have an eighth grade education, or an equivalent 58028
education as determined by the ~~state board~~ department of 58029

education <u>and</u> workforce;	58030
(c) Submit two signed current photographs of the applicant, in the size determined by the board.	58031 58032
(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;	58033 58034 58035 58036
(9) Operate in a manner which reflects credit upon the barbering profession;	58037 58038
(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;	58039 58040 58041
(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.	58042 58043 58044 58045
(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:	58046 58047 58048 58049 58050
(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;	58051 58052 58053 58054 58055 58056
(2) Meets such other requirements as adopted by rule by	58057

the board; 58058

(3) Passes the required examination; and 58059

(4) Pays the required fees. 58060

The board shall only issue an assistant barber teacher 58061
license to a person who holds a current barber license issued 58062
pursuant to this chapter and pays the required fees. 58063

(D) Any person who meets the qualifications of an 58064
assistant teacher pursuant to division (C) of this section, may 58065
be employed as an assistant teacher, provided that within five 58066
days after the commencement of the employment the barber school 58067
submits to the board, on forms provided by the board, the 58068
applicant's qualifications. 58069

Sec. 4713.02. (A) There is hereby created the state 58070
cosmetology and barber board, consisting of all of the following 58071
members appointed by the governor, with the advice and consent 58072
of the senate: 58073

(1) One individual holding a current, valid cosmetologist 58074
or cosmetology instructor license at the time of appointment; 58075

(2) Two individuals holding current, valid cosmetologist 58076
licenses and actively engaged in managing beauty salons for a 58077
period of not less than five years at the time of appointment; 58078

(3) One individual who holds a current, valid independent 58079
contractor license at the time of appointment and practices a 58080
branch of cosmetology; 58081

(4) One individual who represents individuals who teach 58082
the theory and practice of a branch of cosmetology at a 58083
vocational or career-technical school; 58084

- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 58085
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- (6) One owner of at least five licensed salons; 58087
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 58088
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- (8) One individual representing the general public; 58095
- (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; 58096
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 58100
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- (11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment; 58104
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- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment. 58107
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- (B) ~~The superintendent of public instruction~~ director of 58112

education and workforce shall nominate three individuals for the 58113
governor to choose from when making an appointment under 58114
division (A) (4) of this section. 58115

(C) All members shall be at least twenty-five years of 58116
age, residents of the state, and citizens of the United States. 58117
No more than two members, at any time, shall be graduates of the 58118
same school of cosmetology. Not more than one member shall have 58119
a common financial connection with any school of cosmetology, 58120
salon, barber school, or barber shop. 58121

Terms of office are for five years. Terms shall commence 58122
on the first day of November and end on the thirty-first day of 58123
October. Each member shall hold office from the date of 58124
appointment until the end of the term for which appointed. In 58125
case of a vacancy occurring on the board, the governor shall, in 58126
the same manner prescribed for the regular appointment to the 58127
board, fill the vacancy by appointing a member. Any member 58128
appointed to fill a vacancy occurring prior to the expiration of 58129
the term for which the member's predecessor was appointed shall 58130
hold office for the remainder of such term. Any member shall 58131
continue in office subsequent to the expiration date of the 58132
member's term until the member's successor takes office, or 58133
until a period of sixty days has elapsed, whichever occurs 58134
first. Before entering upon the discharge of the duties of the 58135
office of member, each member shall take, and file with the 58136
secretary of state, the oath of office required by Section 7 of 58137
Article XV, Ohio Constitution. 58138

The members of the board shall receive an amount fixed 58139
pursuant to Chapter 124. of the Revised Code per diem for every 58140
meeting of the board which they attend, together with their 58141
necessary expenses, and mileage for each mile necessarily 58142

traveled. 58143

The members of the board shall annually elect, from among 58144
their number, a chairperson and a vice-chairperson. The 58145
executive director appointed pursuant to section 4713.06 of the 58146
Revised Code shall serve as the board's secretary. 58147

(D) The board shall prescribe the duties of its officers 58148
and establish an office within Franklin county. The board shall 58149
keep all records and files at the office and have the records 58150
and files at all reasonable hours open to public inspection in 58151
accordance with section 149.43 of the Revised Code and any rules 58152
adopted by the board in compliance with this state's record 58153
retention policy. The board also shall adopt a seal for the 58154
authentication of its orders, communications, and records. 58155

(E) The governor may remove any member for cause prior to 58156
the expiration of the member's term of office. 58157

(F) Whenever the term "state board of cosmetology" is 58158
used, referred to, or designated in statute, rule, contract, 58159
grant, or other document, the use, reference, or designation 58160
shall be deemed to mean the "state cosmetology and barber board" 58161
or the executive director of the state cosmetology and barber 58162
board, whichever is appropriate in context. Whenever the term 58163
"barber board" is used, referred to, or designated in statute, 58164
rule, contract, grant, or other document, the use, reference, or 58165
designation shall be deemed to mean the "state cosmetology and 58166
barber board" or the executive director of the state cosmetology 58167
and barber board, whichever is appropriate in context. 58168

Sec. 4732.10. (A) The state board of psychology shall 58169
appoint an entrance examiner who shall determine the sufficiency 58170
of an applicant's qualifications for admission to the 58171

appropriate examination. A member of the board or the executive 58172
director may be appointed as the entrance examiner. 58173

(B) Requirements for admission to examination for a 58174
psychologist license shall be that the applicant: 58175

(1) Is at least twenty-one years of age; 58176

(2) Meets one of the following requirements: 58177

(a) Received an earned doctoral degree from an institution 58178
accredited or recognized by a national or regional accrediting 58179
agency and a program accredited by any of the following: 58180

(i) The American psychological association, office of 58181
program consultation and accreditation; 58182

(ii) The accreditation office of the Canadian 58183
psychological association; 58184

(iii) A program listed by the association of state and 58185
provincial psychology boards/national register designation 58186
committee; 58187

(iv) The national association of school psychologists. 58188

(b) Received an earned doctoral degree in psychology or 58189
school psychology from an institution accredited or recognized 58190
by a national or regional accrediting agency but the program 58191
does not meet the program accreditation requirements of division 58192
(B) (2) (a) of this section; 58193

(c) Received from an academic institution outside of the 58194
United States or Canada a degree determined, under rules adopted 58195
by the board under division (E) of this section, to be 58196
equivalent to a doctoral degree in psychology from a program 58197
described in division (B) (2) (a) of this section; 58198

(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.

(3) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(4) If applying under division (B) (2) (b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for 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.

(D) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination.

(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B) (2) (b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.

Sec. 4732.22. (A) The following persons are exempted from the licensing requirements of this chapter:

(1) A person who holds a license or certificate issued by the state board of education authorizing the practice of school psychology, while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the ~~state board~~ director of education and workforce under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for children with

disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless the person is licensed by the state board of psychology.

(2) Any nonresident temporarily employed in this state to render psychological services for not more than thirty days a year, who, in the opinion of the board, meets the standards for entrance in division (B) of section 4732.10 of the Revised Code, who has paid the required fee and submitted an application 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 58287
such activities and is licensed under this chapter or is a 58288
qualified supervisor pursuant to rules of the board; 58289

(5) Recognized religious officials, including ministers, 58290
priests, rabbis, imams, Christian science practitioners, and 58291
other persons recognized by the board, conducting counseling 58292
when the counseling activities are within the scope of the 58293
performance of their regular duties and are performed under the 58294
auspices or sponsorship of an established and legally cognizable 58295
religious denomination or sect, as defined in current federal 58296
tax regulations, and when the religious official does not refer 58297
to the official's self as a psychologist and remains accountable 58298
to the established authority of the religious denomination or 58299
sect; 58300

(6) Persons in the employ of the federal government 58301
insofar as their activities are a part of the duties of their 58302
positions; 58303

(7) Persons licensed, certified, or registered under any 58304
other provision of the Revised Code who are practicing those 58305
arts and utilizing psychological procedures that are allowed and 58306
within the standards and ethics of their profession or within 58307
new areas of practice that represent appropriate extensions of 58308
their profession, provided that they do not hold themselves out 58309
to the public by the title of psychologist; 58310

(8) Persons using the term "social psychologist," 58311
"experimental psychologist," "developmental psychologist," 58312
"research psychologist," "cognitive psychologist," and other 58313
terms used by those in academic and research settings who 58314
possess a doctoral degree in psychology from an educational 58315
institution accredited or recognized by national or regional 58316

accrediting agencies as maintaining satisfactory standards and 58317
who do not use such a term in the solicitation or rendering of 58318
professional psychological services. 58319

(B) The license holder who is supervising a person 58320
described in division (A)(3) of this section shall register the 58321
person with the board. The board shall adopt rules regarding the 58322
registration process and the supervisory relationship. 58323

Sec. 4735.09. (A) Application for a license as a real 58324
estate salesperson shall be made to the superintendent of real 58325
estate on forms furnished by the superintendent and signed by 58326
the applicant. The application shall be in the form prescribed 58327
by the superintendent and shall contain such information as is 58328
required by this chapter and the rules of the Ohio real estate 58329
commission. The application shall be accompanied by the 58330
recommendation of the real estate broker with whom the applicant 58331
is associated or with whom the applicant intends to be 58332
associated, certifying that the applicant is honest and 58333
truthful, and has not been finally adjudged by a court to have 58334
violated any municipal, state, or federal civil rights laws 58335
relevant to the protection of purchasers or sellers of real 58336
estate, which conviction or adjudication the applicant has not 58337
disclosed to the superintendent, and recommending that the 58338
applicant be admitted to the real estate salesperson 58339
examination. 58340

(B) A fee of eighty-one dollars shall accompany the 58341
application, which fee includes the fee for the initial year of 58342
the licensing period, if a license is issued. The initial year 58343
of the licensing period commences at the time the license is 58344
issued and ends on the applicant's first birthday thereafter. 58345
The application fee shall be nonrefundable. A fee of eighty-one 58346

dollars shall be charged by the superintendent for each 58347
successive application made by the applicant. One dollar of each 58348
application fee shall be credited to the real estate education 58349
and research fund. 58350

(C) There shall be no limit placed on the number of times 58351
an applicant may retake the examination. 58352

(D) The superintendent, with the consent of the 58353
commission, may enter into an agreement with a recognized 58354
national testing service to administer the real estate 58355
salesperson's examination under the superintendent's supervision 58356
and control, consistent with the requirements of this chapter as 58357
to the contents of the examination. 58358

If the superintendent, with the consent of the commission, 58359
enters into an agreement with a national testing service to 58360
administer the real estate salesperson's examination, the 58361
superintendent may require an applicant to pay the testing 58362
service's examination fee directly to the testing service. If 58363
the superintendent requires the payment of the examination fee 58364
directly to the testing service, each applicant shall submit to 58365
the superintendent a processing fee in an amount determined by 58366
the Ohio real estate commission pursuant to division (A) (1) of 58367
section 4735.10 of the Revised Code. 58368

(E) The superintendent shall issue a real estate 58369
salesperson's license when satisfied that the applicant has 58370
received a passing score on each portion of the salesperson's 58371
examination as determined by rule by the real estate commission, 58372
except that the superintendent may waive one or more of the 58373
requirements of this section in the case of an applicant who is 58374
a licensed real estate salesperson in another state pursuant to 58375
a reciprocity agreement with the licensing authority of the 58376

state from which the applicant holds a valid real estate salesperson's license. 58377
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(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant: 58379
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(1) Is honest and truthful; 58382

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code; 58383
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(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. 58386
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(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; 58396
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(4) Is at least eighteen years of age; 58402

(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~~ under section 3301.80 of the Revised 58403
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<u>Code;</u>	58406
(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	58407 58408 58409
(a) Forty hours of instruction in real estate practice;	58410
(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	58411 58412 58413 58414 58415 58416 58417 58418 58419 58420 58421 58422 58423 58424
(c) Twenty hours of instruction in real estate appraisal;	58425
(d) Twenty hours of instruction in real estate finance.	58426
(G) (1) Successful completion of the instruction required by division (F) (6) of this section shall be determined by the law in effect on the date the instruction was completed.	58427 58428 58429
(2) Division (F) (6) (c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.	58430 58431 58432 58433

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not 58465
submitted within twelve months of the date a license is issued 58466
under this section, the licensee's license is suspended 58467
automatically without the taking of any action by the 58468
superintendent. The superintendent immediately shall notify the 58469
broker with whom such salesperson is associated of the 58470
suspension of the salesperson's license. A salesperson whose 58471
license has been suspended under this division shall have twelve 58472
months after the date of the suspension of the salesperson's 58473
license to submit proof of successful completion of the 58474
instruction required under this division. No such license shall 58475
be reactivated by the superintendent until it is established, to 58476
the satisfaction of the superintendent, that the requirements of 58477
this division have been met and that the licensee is in 58478
compliance with this chapter. A licensee's license is revoked 58479
automatically without the taking of any action by the 58480
superintendent when the licensee fails to submit the required 58481
proof of completion of the education requirements under division 58482
(I) of this section within twelve months of the date the license 58483
is suspended. 58484

(K) Examinations shall be administered with reasonable 58485
accommodations in accordance with the requirements of the 58486
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 58487
U.S.C. 12189. The contents of an examination shall be consistent 58488
with the classroom instructional requirements of division (F) (6) 58489
of this section. An applicant who has completed the classroom 58490
instructional requirements of division (F) (6) of this section at 58491
the time of application shall be examined no later than twelve 58492
months after the applicant is notified of the applicant's 58493
admission to the examination. 58494

Sec. 4742.02. (A) The ~~state board~~ department of education 58495

and workforce, in conjunction with emergency service providers, 58496
shall develop and implement a program to provide emergency 58497
service telecommunicator training, ~~and shall implement the~~ 58498
~~program not more than one year after the effective date of this~~ 58499
~~section~~. In developing the program, the ~~state board~~ department 58500
and the emergency service providers shall accept and consider 58501
suggestions from any political subdivision or other entity, 58502
whether located within or outside of this state, that offers 58503
suggestions. The program shall include all of the following: 58504

(1) A curriculum for a basic course of emergency service 58505
telecommunicator training that conforms to the requirements of 58506
division (A) of section 4742.03 of the Revised Code; 58507

(2) A curriculum for continuing education coursework in 58508
emergency service telecommunicator training that conforms to the 58509
requirements of division (B) of section 4742.03 of the Revised 58510
Code; 58511

(3) Standards and examinations to be used in the program 58512
to certify that a person has successfully completed a basic 58513
course of, or continuing education coursework in, emergency 58514
service telecommunicator training; 58515

(4) Implementation of the training program at vocational 58516
education centers that are approved by the board to offer 58517
vocational education; 58518

(5) The provision at least eight times per year of a basic 58519
course of emergency service telecommunicator training at 58520
different vocational education centers around this state 58521
selected to reasonably accommodate persons requesting the 58522
training; 58523

(6) A requirement that any employee of an emergency 58524

service provider may enroll in and complete any course offered 58525
under the program at no charge by the ~~state board department~~ to 58526
the employee or provider. The tuition and materials costs for 58527
training such employees under the program shall be paid from the 58528
emergency service telecommunicator training fund created under 58529
division (B) of this section. 58530

(7) A requirement that space available in each basic 58531
course offered by the ~~state board department~~ shall be allocated 58532
on a priority basis, first to unpaid volunteers of emergency 58533
service providers, second to paid volunteers of such providers, 58534
and third to other persons; 58535

(8) A provision allowing persons who are not employees of 58536
emergency service providers to enroll in any course offered 58537
under the program, on a space-available basis. The ~~state board~~ 58538
~~department~~ may charge reasonable tuition to such persons to 58539
attend the course. 58540

(B) The emergency service telecommunicator training fund 58541
is hereby established in the state treasury. The ~~state board of~~ 58542
~~education department~~ shall use money in the fund only for the 58543
following purposes: 58544

(1) To develop the emergency service telecommunicator 58545
training program required under division (A) of this section; 58546

(2) To pay the compensation of ~~state board of education~~ 58547
~~department~~ employees who administer the program and the ~~state~~ 58548
~~board's department's~~ costs of training employees of emergency 58549
service providers at courses offered under the program. 58550

(C) The ~~state board of education department~~, in accordance 58551
with Chapter 119. of the Revised Code, shall adopt rules 58552
necessary to develop and administer the training program under 58553

this section. 58554

Sec. 4742.03. (A) A person may obtain certification as an 58555
emergency service telecommunicator by successfully completing a 58556
basic course of emergency service telecommunicator training that 58557
is conducted by the ~~state board~~ department of education and 58558
workforce under section 4742.02 of the Revised Code. The basic 58559
course of emergency service telecommunicator training shall 58560
include, but not be limited to, both of the following: 58561

(1) At least forty hours of instruction or training; 58562

(2) Instructional or training units in all of the 58563
following subjects: 58564

(a) The role of the emergency service telecommunicator; 58565

(b) Effective communication skills; 58566

(c) Emergency service telecommunicator liability; 58567

(d) Telephone techniques; 58568

(e) Requirements of the "Americans With Disabilities Act 58569
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 58570
pertain to emergency service telecommunicators; 58571

(f) Handling hysterical and suicidal callers; 58572

(g) Informing individuals who call about an apparent drug 58573
overdose about the immunity from prosecution for a minor drug 58574
possession offense created by section 2925.11 of the Revised 58575
Code; 58576

(h) Law enforcement terminology; 58577

(i) Fire service terminology; 58578

(j) Emergency medical service terminology; 58579

(k) Emergency call processing guides for law enforcement;	58580
(l) Emergency call processing guides for fire service;	58581
(m) Emergency call processing guides for emergency medical service;	58582 58583
(n) Radio broadcast techniques;	58584
(o) Disaster planning;	58585
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	58586 58587 58588
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	58589 58590 58591 58592 58593 58594 58595 58596 58597
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education <u>department</u> or a the department's <u>designee of the board</u> shall certify the person's successful completion. The board <u>department</u> shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	58598 58599 58600 58601 58602 58603 58604
If a person successfully completes the continuing education coursework described in division (B) of this section, the state board of education or a designee of the board	58605 58606 58607

department shall certify the person's successful completion. The 58608
~~board department~~ shall send a copy of the certification to the 58609
person and to the emergency service provider by whom the person 58610
is employed. 58611

Sec. 4742.05. (A) A career school that holds a valid 58612
certificate of registration from the state board of career 58613
colleges and schools may apply to the ~~state board~~ department of 58614
education and workforce for certification of a basic course of 58615
emergency service telecommunicator training or of continuing 58616
education coursework in emergency service telecommunicator 58617
training. The ~~state board of education~~ department shall 58618
prescribe the form of the application. 58619

(B) Upon receipt of an application, the ~~state board of~~ 58620
~~education department~~ shall review it and consider whether the 58621
proposed course or coursework meets the requirements of division 58622
(A) or (B) of section 4742.03 of the Revised Code concerning 58623
course length and content. If the proposed course or coursework 58624
meets those requirements, the ~~state board of education~~ 58625
department shall issue a certification of that fact to the 58626
career school. Inclusion of on-site verifiable electronic 58627
training as part of a proposed basic or continuing education 58628
course shall not be a reason for the ~~state board~~ department to 58629
deny certification. 58630

(C) If, after receiving a certification from the ~~state~~ 58631
~~board of education~~ department under this section, the career 58632
school changes the approved course or coursework, the prior 58633
certification is canceled and the career school shall apply to 58634
the ~~state board of education~~ department for certification of the 58635
changed course or coursework. 58636

Sec. 4742.06. (A) A person may obtain certification as an 58637

emergency service telecommunicator by successfully completing a 58638
basic course of emergency service telecommunicator training that 58639
is conducted by a career school that has obtained certification 58640
of that course from the ~~state board~~ department of education and 58641
workforce under section 4742.05 of the Revised Code. If a person 58642
successfully completes the course, the career school shall 58643
certify the person's successful completion. 58644

(B) A person may maintain certification as an emergency 58645
service telecommunicator by successfully completing continuing 58646
education coursework in emergency service telecommunicator 58647
training that is conducted by a career school that has obtained 58648
certification of that coursework from the ~~state board of~~ 58649
~~education~~ department under section 4742.05 of the Revised Code. 58650
If a person successfully completes the coursework, the career 58651
school shall certify the person's successful completion. 58652

(C) Upon certification of a person's successful completion 58653
under division (A) or (B) of this section, the career school 58654
shall send a copy of the certification to the person and to the 58655
emergency service provider that employs the person. 58656

(D) Tuition and materials costs for a person enrolled in a 58657
certified basic or continuing education course conducted by a 58658
career school shall be paid by the person, an emergency service 58659
provider, or any other entity on behalf of the person or an 58660
emergency service provider. 58661

Sec. 4742.07. The ~~state board~~ department of education and 58662
workforce and any emergency service provider or career school 58663
that certifies emergency service telecommunicators shall comply 58664
with section 4776.20 of the Revised Code. 58665

Sec. 4743.03. No board, commission, or agency created 58666

under or by virtue of Title 47 of the Revised Code shall 58667
restrict entry into any occupation, profession, or trade under 58668
its supervision or regulation by: 58669

(A) Unreasonably restricting the number of schools or 58670
other institutions it certifies or accredits for the purpose of 58671
fulfilling educational or training requirements for such 58672
occupation, profession, or trade; 58673

(B) Denying certification or accreditation for the purpose 58674
of fulfilling such educational or training requirements to any 58675
school, college, or other educational institution that has been 58676
certified by the ~~Ohio board~~ chancellor of regents higher 58677
education or the state board of career colleges and schools or 58678
to a high school for which the ~~state board~~ director of education 58679
and workforce prescribes minimum standards under division (D) of 58680
section 3301.07 of the Revised Code, unless the educational or 58681
training program offered by such school, college, or institution 58682
is not in substantial compliance with applicable standards of 58683
the occupation, profession, or trade. 58684

(C) Rules of state regulatory boards relevant to age and 58685
level of education required for admission to courses of study 58686
leading to examination and licensing in professions or 58687
occupations controlled by regulatory boards not requiring a 58688
technical, associate, or baccalaureate degree shall not apply to 58689
vocational education programs conducted in the public schools 58690
where such vocational education programs in all other respects 58691
meet the minimum standards and requirements of any regulatory 58692
board and students completing such programs are of the minimum 58693
age required for examination and licensing for the purpose of 58694
practicing professions or occupations controlled by regulatory 58695
boards. 58696

Nothing in this section shall prohibit a board, 58697
commission, or agency from prescribing and enforcing educational 58698
and training requirements and standards for certification and 58699
accreditation of schools and other institutions that constitute 58700
reasonable bases for maintaining necessary standards of 58701
performance in any occupation, profession, or trade. 58702

Sec. 4747.10. Each person currently engaged in training to 58703
become a licensed hearing aid dealer or fitter shall apply to 58704
the state speech and hearing professionals board for a hearing 58705
aid dealer's and fitter's trainee permit. The board shall issue 58706
to each applicant within thirty days of receipt of a properly 58707
completed application and payment of an application fee set by 58708
the board in rules adopted under section 4747.04 of the Revised 58709
Code, a trainee permit if such applicant meets all of the 58710
following criteria: 58711

(A) Is at least eighteen years of age; 58712

(B) Is the holder of a diploma from an accredited high 58713
school or a certificate of high school equivalence issued ~~by the~~ 58714
~~department of education~~ under section 3301.80 of the Revised 58715
Code; 58716

(C) Is free of contagious or infectious disease. 58717

The board shall not deny a trainee permit issued under 58718
this section to any individual based on the individual's past 58719
criminal history unless the denial is in accordance with section 58720
9.79 of the Revised Code. 58721

In considering a renewal of an individual's trainee 58722
permit, the board shall not consider any conviction or plea of 58723
guilty prior to the issuance of the initial trainee permit. 58724
However, the board may consider a conviction or plea of guilty 58725

if it occurred after the individual was initially granted the 58726
trainee permit, or after the most recent trainee permit renewal. 58727
The board shall comply with Chapter 119. of the Revised Code 58728
when denying an individual for a trainee permit or renewal. 58729
Additionally, the board may grant an individual a conditional 58730
trainee permit that lasts for one year. After the one-year 58731
period has expired, the permit is no longer considered 58732
conditional, and the individual shall be considered to be 58733
granted a full trainee permit. 58734

Each trainee permit issued by the board expires one year 58735
from the date it was first issued, and may be renewed once if 58736
the trainee has not successfully completed the qualifying 58737
requirements for licensing as a hearing aid dealer or fitter 58738
before the expiration date of such permit. The board shall issue 58739
a renewed permit to each applicant upon receipt of a properly 58740
completed application and payment of a renewal fee set by the 58741
board in rules adopted under section 4747.04 of the Revised 58742
Code. No person holding a trainee permit shall engage in the 58743
practice of dealing in or fitting of hearing aids except while 58744
under supervision by a licensed hearing aid dealer or fitter. 58745

Sec. 4757.41. (A) This chapter shall not apply to the 58746
following: 58747

(1) A person certified by the state board of education 58748
under Chapter 3319. of the Revised Code while performing any 58749
services within the person's scope of employment by a board of 58750
education or by a private school meeting the standards 58751
prescribed by the ~~state board~~ director of education and 58752
workforce under division (D) of section 3301.07 of the Revised 58753
Code or in a program operated under Chapter 5126. of the Revised 58754
Code for training individuals with developmental disabilities; 58755

(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;	58756 58757
(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;	58758 58759 58760 58761
(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;	58762 58763 58764 58765 58766 58767 58768 58769 58770 58771 58772 58773
(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;	58774 58775 58776 58777 58778 58779 58780
(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or	58781 58782 58783 58784 58785

registered under this chapter; 58786

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of chemical dependency counseling or prevention services; 58787
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(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended; 58792
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(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors; 58797
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(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy; 58800
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(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards; 58806
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(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the 58812
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Revised Code. 58815

(B) Divisions (A) (5) and (10) of this section do not 58816
prevent a person described in those divisions from obtaining a 58817
license or certificate of registration under this chapter. 58818

(C) Except as provided in divisions (A) and (D) of this 58819
section, no employee in the service of the state, including 58820
public employees as defined by Chapter 4117. of the Revised 58821
Code, shall engage in the practice of professional counseling, 58822
social work, or marriage and family therapy without the 58823
appropriate license issued by the board. Failure to comply with 58824
this division constitutes nonfeasance under section 124.34 of 58825
the Revised Code or just cause under a collective bargaining 58826
agreement. Nothing in this division restricts the director of 58827
administrative services from developing new classifications 58828
related to this division or from reassigning affected employees 58829
to appropriate classifications based on the employee's duties 58830
and qualifications. 58831

(D) Except as provided in division (A) of this section, an 58832
employee who was engaged in the practice of professional 58833
counseling, social work, or marriage and family therapy in the 58834
service of the state prior to July 10, 2014, including public 58835
employees as defined by Chapter 4117. of the Revised Code, shall 58836
comply with division (C) of this section within two years after 58837
July 10, 2014. Any such employee who fails to comply shall be 58838
removed from employment. 58839

(E) Nothing in this chapter prevents a public children 58840
services agency from employing as a caseworker a person not 58841
licensed under this chapter as an independent social worker or 58842
social worker who has the qualifications specified in section 58843
5153.112 of the Revised Code. 58844

Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services under the supervision of any of the following:

(A) A prevention consultant or prevention specialist certified under this chapter;

(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(C) A psychologist licensed under Chapter 4732. of the Revised Code;

(D) A registered nurse licensed under Chapter 4723. of the Revised Code;

(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;

(F) A school counselor licensed by the ~~department~~ state board of education pursuant to section 3319.22 of the Revised Code;

(G) A health education specialist certified by the national commission for health education credentialing;

(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.

Sec. 4779.13. To be eligible for a license to practice

pedorthics, an applicant must meet all of the following 58873
requirements: 58874

(A) On the date of application, has practiced pedorthics 58875
for not less than eight months under the supervision of an 58876
individual licensed under this chapter to practice pedorthics; 58877

(B) Holds a high school diploma or certificate of high 58878
school equivalence issued by the department of education and 58879
workforce, or a primary-secondary education or higher education 58880
agency of another state; 58881

(C) Has completed the education, training, and experience 58882
required to take the certification examination developed by the 58883
Ohio occupational therapy, physical therapy, and athletic 58884
trainers board for certification in pedorthics or an equivalent 58885
successor organization recognized by the board. 58886

Sec. 5101.061. (A) There is hereby established in the 58887
department of job and family services the office of human 58888
services innovation. The office shall develop recommendations, 58889
as described in division (B) of this section, regarding the 58890
coordination and reform of state programs to assist the 58891
residents of this state in preparing for life and the dignity of 58892
work and to promote individual responsibility and work 58893
opportunity. 58894

The director of job and family services shall establish 58895
the office's organizational structure, may reassign the 58896
department's staff and resources as necessary to support the 58897
office's activities, and is responsible for the office's 58898
operations. The department of education and 58899
workforce~~superintendent of public instruction~~, chancellor of 58900
higher education, and director of the governor's office of 58901

workforce transformation shall assist the director of job and 58902
family services with leadership and organizational support for 58903
the office. 58904

(B) Not later than January 1, 2015, the office shall 58905
submit to the governor recommendations for all of the following: 58906

(1) Coordinating services across all public assistance 58907
programs to help individuals find employment, succeed at work, 58908
and stay out of poverty; 58909

(2) Revising incentives for public assistance programs to 58910
foster person-centered case management; 58911

(3) Standardizing and automating eligibility determination 58912
policies and processes for public assistance programs; 58913

(4) Other matters the office considers appropriate. 58914

(C) Not later than three months after September 15, 2014, 58915
the office shall establish clear principles to guide the 58916
development of its recommendations, shall identify in detail the 58917
problems to be addressed in the recommendations, and shall make 58918
an inventory of all state and other resources that the office 58919
considers relevant to the recommendations. 58920

(D) The office shall convene the directors and staff of 58921
the departments, agencies, offices, boards, commissions, and 58922
institutions of the executive branch of the state as necessary 58923
to develop the office's recommendations. The departments, 58924
agencies, offices, boards, commissions, and institutions shall 58925
comply with all requests and directives that the office makes, 58926
subject to the supervision of the directors of the departments, 58927
agencies, offices, boards, commissions, and institutions. The 58928
office also shall convene other individuals interested in the 58929
issues that the office addresses in the development of the 58930

recommendations to obtain their input on, and support for, the 58931
recommendations. 58932

Sec. 5101.34. (A) There is hereby created in the 58933
department of job and family services the Ohio commission on 58934
fatherhood. The commission shall consist of the following 58935
members: 58936

(1) (a) Four members of the house of representatives 58937
appointed by the speaker of the house, not more than two of whom 58938
are members of the same political party. Two of the members must 58939
be from legislative districts that include a county or part of a 58940
county that is among the one-third of counties in this state 58941
with the highest number per capita of households headed by 58942
females. 58943

(b) Two members of the senate appointed by the president 58944
of the senate, each from a different political party. One of the 58945
members must be from a legislative district that includes a 58946
county or part of a county that is among the one-third of 58947
counties in this state with the highest number per capita of 58948
households headed by females. 58949

(2) The governor, or the governor's designee; 58950

(3) One representative of the judicial branch of 58951
government appointed by the chief justice of the supreme court; 58952

(4) The directors of health, job and family services, 58953
rehabilitation and correction, mental health and addiction 58954
services, ~~and youth services and the superintendent of public~~ 58955
~~instruction, and education and workforce,~~ or their designees; 58956

(5) One representative of the Ohio family and children 58957
first cabinet council created under section 121.37 of the 58958
Revised Code appointed by the chairperson of the council; 58959

(6) Five representatives of the general public appointed 58960
by the governor. These members shall have extensive experience 58961
in issues related to fatherhood. 58962

(B) The appointing authorities of the Ohio commission on 58963
fatherhood shall make initial appointments to the commission 58964
within thirty days after September 29, 1999. Of the initial 58965
appointments to the commission made pursuant to divisions (A) 58966
(3), (5), and (6) of this section, three of the members shall 58967
serve a term of one year and four shall serve a term of two 58968
years. Members so appointed subsequently shall serve two-year 58969
terms. A member appointed pursuant to division (A)(1) of this 58970
section shall serve on the commission until the end of the 58971
general assembly from which the member was appointed or until 58972
the member ceases to serve in the chamber of the general 58973
assembly in which the member serves at the time of appointment, 58974
whichever occurs first. The governor or the governor's designee 58975
shall serve on the commission until the governor ceases to be 58976
governor. The directors ~~and superintendent~~ or their designees 58977
shall serve on the commission until they cease, or the director 58978
~~or superintendent~~ a designee represents ceases, to be director 58979
~~or superintendent~~. Each member shall serve on the commission 58980
from the date of appointment until the end of the term for which 58981
the member was appointed. Members may be reappointed. 58982

Vacancies shall be filled in the manner provided for 58983
original appointments. Any member appointed to fill a vacancy 58984
occurring prior to the expiration date of the term for which the 58985
member's predecessor was appointed shall serve on the commission 58986
for the remainder of that term. A member shall continue to serve 58987
on the commission subsequent to the expiration date of the 58988
member's term until the member's successor is appointed or until 58989
a period of sixty days has elapsed, whichever occurs first. 58990

Members shall serve without compensation but shall be reimbursed 58991
for necessary expenses. 58992

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 58993
the Revised Code: 58994

(A) (1) "Association" or "institution" includes all of the 58995
following: 58996

(a) Any incorporated or unincorporated organization, 58997
society, association, or agency, public or private, that 58998
receives or cares for children for two or more consecutive 58999
weeks; 59000

(b) Any individual, including the operator of a foster 59001
home, who, for hire, gain, or reward, receives or cares for 59002
children for two or more consecutive weeks, unless the 59003
individual is related to them by blood or marriage; 59004

(c) Any individual not in the regular employ of a court, 59005
or of an institution or association certified in accordance with 59006
section 5103.03 of the Revised Code, who in any manner becomes a 59007
party to the placing of children in foster homes, unless the 59008
individual is related to such children by blood or marriage or 59009
is the appointed guardian of such children. 59010

(2) "Association" or "institution" does not include any of 59011
the following: 59012

(a) Any organization, society, association, school, 59013
agency, child guidance center, detention or rehabilitation 59014
facility, or children's clinic licensed, regulated, approved, 59015
operated under the direction of, or otherwise certified by the 59016
department of education and workforce, a local board of 59017
education, the department of youth services, the department of 59018
mental health and addiction services, or the department of 59019

developmental disabilities;	59020
(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;	59021 59022 59023
(c) A private, nonprofit therapeutic wilderness camp;	59024
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	59025 59026
(B) "Family foster home" means a foster home that is not a specialized foster home.	59027 59028
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	59029 59030 59031
(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.	59032 59033 59034 59035 59036 59037 59038 59039 59040
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	59041 59042
(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:	59043 59044 59045 59046
(1) Under rules adopted by the medicaid director governing	59047

medicaid payments for long-term care services, the children 59048
require a skilled level of care. 59049

(2) The children require the services of a doctor of 59050
medicine or osteopathic medicine at least once a week due to the 59051
instability of their medical conditions. 59052

(3) The children require the services of a registered 59053
nurse on a daily basis. 59054

(4) The children are at risk of institutionalization in a 59055
hospital, skilled nursing facility, or intermediate care 59056
facility for individuals with intellectual disabilities. 59057

(G) "Private, nonprofit therapeutic wilderness camp" means 59058
a structured, alternative residential setting for children who 59059
are experiencing emotional, behavioral, moral, social, or 59060
learning difficulties at home or school in which all of the 59061
following are the case: 59062

(1) The children spend the majority of their time, 59063
including overnight, either outdoors or in a primitive 59064
structure. 59065

(2) The children have been placed there by their parents 59066
or another relative having custody. 59067

(3) The camp accepts no public funds for use in its 59068
operations. 59069

(H) "Recommending agency" means a public children services 59070
agency, private child placing agency, or private noncustodial 59071
agency that recommends that the department of job and family 59072
services take any of the following actions under section 5103.03 59073
of the Revised Code regarding a foster home: 59074

(1) Issue a certificate; 59075

(2) Deny a certificate;	59076
(3) Renew a certificate;	59077
(4) Deny renewal of a certificate;	59078
(5) Revoke a certificate.	59079
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	59080 59081
(J) "Resource family" means a foster home or the kinship caregiver family.	59082 59083
(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	59084 59085
(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	59086 59087 59088 59089 59090 59091 59092
Sec. 5103.08. The department of job and family services may enter into contracts with the department of education <u>and workforce</u> authorizing the department of job and family services to administer funds received by the department of education <u>and workforce</u> under the "State Dependent Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling its duties under such a contract, the department of job and family services may make grants to or enter into contracts with other public or private entities.	59093 59094 59095 59096 59097 59098 59099 59100 59101
Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code:	59102 59103

(1) (a) "Children's crisis care facility" means a facility 59104
that has as its primary purpose the provision of residential and 59105
other care to either or both of the following: 59106

(i) One or more preteens voluntarily placed in the 59107
facility by the preteen's parent or other caretaker who is 59108
facing a crisis that causes the parent or other caretaker to 59109
seek temporary care for the preteen and referral for support 59110
services; 59111

(ii) One or more preteens placed in the facility by a 59112
public children services agency or private child placing agency 59113
that has legal custody or permanent custody of the preteen and 59114
determines that an emergency situation exists necessitating the 59115
preteen's placement in the facility rather than an institution 59116
certified under section 5103.03 of the Revised Code or 59117
elsewhere. 59118

(b) "Children's crisis care facility" does not include any 59119
of the following: 59120

(i) Any organization, society, association, school, 59121
agency, child guidance center, detention or rehabilitation 59122
facility, or children's clinic licensed, regulated, approved, 59123
operated under the direction of, or otherwise certified by the 59124
department of education and workforce, a local board of 59125
education, the department of youth services, the department of 59126
mental health and addiction services, or the department of 59127
developmental disabilities; 59128

(ii) Any individual who provides care for only a single- 59129
family group, placed there by their parents or other relative 59130
having custody; 59131

(iii) Any residential infant care center, as an entity 59132

deemed a residential infant care center under section 5103.602 59133
of the Revised Code shall no longer be licensed as a children's 59134
crisis care center. 59135

(2) "Legal custody" and "permanent custody" have the same 59136
meanings as in section 2151.011 of the Revised Code. 59137

(3) "Pediatric medical service" means medical service 59138
required to be provided by, or with oversight from, a licensed 59139
medical professional, including prescribing medication, 59140
administering rectal or intravenous medication, and outpatient 59141
laboratory service, and providing for sick visits, on-site well 59142
child exams, and children assisted by medical technology. 59143

(4) "Preteen" means an individual under thirteen years of 59144
age. 59145

(B) No person shall operate a children's crisis care 59146
facility or hold a children's crisis care facility out as a 59147
certified children's crisis care facility unless there is a 59148
valid children's crisis care facility certificate issued under 59149
this section for the facility. 59150

(C) (1) A person seeking to operate a children's crisis 59151
care facility shall apply to the director of job and family 59152
services to obtain a certificate for the facility. 59153

(2) (a) The director shall certify the person's children's 59154
crisis care facility if the facility meets all of the 59155
certification standards established in rules adopted under 59156
division (H) of this section and the person complies with all of 59157
the rules governing the certification of children's crisis care 59158
facilities adopted under that division. The issuance of a 59159
children's crisis care facility certificate does not exempt the 59160
facility from a requirement to obtain another certificate or 59161

license mandated by law. 59162

(b) The director shall not issue a waiver to a person for 59163
compliance with any of the requirements imposed under this 59164
section or any of the rules adopted under division (H) of this 59165
section. 59166

(D) No certified children's crisis care facility shall do 59167
any of the following: 59168

(1) Provide residential care to a preteen for more than 59169
one hundred twenty days in a calendar year; 59170

(2) Provide residential care to a preteen for more than 59171
ninety consecutive days, which shall include the aggregate of 59172
days spent at different facility locations if a preteen is 59173
transferred in accordance with division (E) (4) of this section; 59174

(3) Provide residential care to a preteen for more than 59175
fourteen consecutive days if a public children services agency 59176
or private child placing agency placed the preteen in the 59177
facility; 59178

(4) Fail to comply with section 2151.86 of the Revised 59179
Code. 59180

(E) A certified children's crisis care facility shall do 59181
the following: 59182

(1) Employ a licensed social worker, a licensed 59183
independent social worker, a licensed professional counselor, or 59184
a licensed professional clinical counselor; 59185

(2) Require, if pediatric medical service is provided at 59186
the facility, the following for the provision of pediatric 59187
medical service: 59188

- (a) Medical service to be provided by a qualified, 59189
licensed, and insured medical professional; 59190
- (b) All staff, volunteers, and interns to comply with the 59191
privacy requirements of the "Health Insurance Portability and 59192
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 59193
2021, 42 U.S.C. 1320d et seq., as amended; 59194
- (c) If a preteen is admitted by the preteen's parent or 59195
caretaker and if the preteen requires ongoing medical care 59196
following discharge from the facility, a medical professional or 59197
licensed social worker to make the medical professional's or 59198
social worker's best effort to ensure the parent or caretaker is 59199
competent to provide the ongoing care; 59200
- (d) The facility to have a dedicated and private enclosed 59201
space for the purpose of a medical professional to receive and 59202
treat patients and that contains a sink or tub, medical exam 59203
table, medical record system, and pediatric medical equipment. 59204
- (3) Require, if a preteen is admitted by the preteen's 59205
parent or caretaker, the facility's licensed social worker, 59206
licensed independent social worker, licensed professional 59207
counselor, or licensed professional clinical counselor to make 59208
their best efforts to ensure the parent or caretaker is 59209
competent in the basic parenting skills needed to care for the 59210
preteen; 59211
- (4) Require only a transfer summary for the transfer of a 59212
preteen from one certified children's crisis care facility 59213
location to another, if the facility has more than one location; 59214
- (5) Require the facility to have a dedicated and private 59215
enclosed space for the purpose of completing required admission 59216
paperwork and medical forms; 59217

(6) Require the facility to develop a visitation plan for the preteen's parent or caretaker with the preteen while residential care is being provided, which shall occur during awake hours and not include overnight visits, for the parent or caretaker with the preteen.

(F) A certified children's crisis care facility may do the following:

(1) Count administrative staff, interns, and volunteers toward child staff ratios required under paragraph (G) of rule 5101:2-9-36 of the Administrative Code for up to three hours if the administrative staff, interns, or volunteers meet the following requirements:

(a) Completed training in the mission of the children's crisis care facility;

(b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code;

(c) Are supervised by facility staff.

(2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios.

(G) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (H) of this section or the facility's operator ceases to comply with any of the rules

governing the certification of children's crisis care facilities 59247
adopted under that division. 59248

(H) Not later than ninety days after September 21, 2006, 59249
the director of job and family services shall adopt rules 59250
pursuant to Chapter 119. of the Revised Code for the 59251
certification of children's crisis care facilities. The rules 59252
shall specify that a certificate shall not be issued to an 59253
applicant if the conditions at the children's crisis care 59254
facility would jeopardize the health or safety of the preteens 59255
placed in the facility. 59256

Sec. 5103.55. A parent of a child attending a private, 59257
nonprofit therapeutic wilderness camp is not relieved of the 59258
parent's obligations regarding compulsory school attendance 59259
pursuant to section 3321.04 or 3321.042 of the Revised Code. 59260

Sec. 5104.01. As used in this chapter: 59261

(A) "Administrator" means the person responsible for the 59262
daily operation of a center, type A home, or approved child day 59263
camp. The administrator and the owner may be the same person. 59264

(B) "Approved child day camp" means a child day camp 59265
approved pursuant to section 5104.22 of the Revised Code. 59266

(C) "Authorized representative" means an individual 59267
employed by a center, type A home, or approved child day camp 59268
that is owned by a person other than an individual and who is 59269
authorized by the owner to do all of the following: 59270

(1) Communicate on the owner's behalf; 59271

(2) Submit on the owner's behalf applications for 59272
licensure or approval; 59273

(3) Enter into on the owner's behalf provider agreements 59274

for publicly funded child care. 59275

(D) "Border state child care provider" means a child care 59276
provider that is located in a state bordering Ohio and that is 59277
licensed, certified, or otherwise approved by that state to 59278
provide child care funded by the child care block grant act. 59279

(E) "Career pathways model" means an alternative pathway 59280
to meeting the requirements to be a child-care staff member or 59281
administrator that does both of the following: 59282

(1) Uses a framework approved by the director of job and 59283
family services to document formal education, training, 59284
experience, and specialized credentials and certifications; 59285

(2) Allows the child-care staff member or administrator to 59286
achieve a designation as an early childhood professional level 59287
one, two, three, four, five, or six. 59288

(F) "Caretaker parent" means the father or mother of a 59289
child whose presence in the home is needed as the caretaker of 59290
the child, a person who has legal custody of a child and whose 59291
presence in the home is needed as the caretaker of the child, a 59292
guardian of a child whose presence in the home is needed as the 59293
caretaker of the child, and any other person who stands in loco 59294
parentis with respect to the child and whose presence in the 59295
home is needed as the caretaker of the child. 59296

(G) "Chartered nonpublic school" means a school that meets 59297
standards for nonpublic schools prescribed by the ~~state board~~ 59298
director of education and workforce for nonpublic schools 59299
pursuant to section 3301.07 of the Revised Code. 59300

(H) "Child" includes an infant, toddler, preschool-age 59301
child, or school-age child. 59302

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended. 59303
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(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 59306
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(K) "Child care" means all of the following: 59313

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours; 59314
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(2) By persons other than their parents, guardians, or custodians; 59317
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(3) For part of the twenty-four-hour day; 59319

(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; 59320
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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. 59322
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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- 59327
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care center" and "center" do not include any of the following: 59331

(1) A place located in and operated by a hospital, as 59332
defined in section 3727.01 of the Revised Code, in which the 59333
needs of children are administered to, if all the children whose 59334
needs are being administered to are monitored under the on-site 59335
supervision of a physician licensed under Chapter 4731. of the 59336
Revised Code or a registered nurse licensed under Chapter 4723. 59337
of the Revised Code, and the services are provided only for 59338
children who, in the opinion of the child's parent, guardian, or 59339
custodian, are exhibiting symptoms of a communicable disease or 59340
other illness or are injured; 59341

(2) A child day camp; 59342

(3) A place that provides care, if all of the following 59343
apply: 59344

(a) An organized religious body provides the care; 59345

(b) A parent, custodian, or guardian of at least one child 59346
receiving care is on the premises and readily accessible at all 59347
times; 59348

(c) The care is not provided for more than thirty days a 59349
year; 59350

(d) The care is provided only for preschool-age and 59351
school-age children. 59352

(M) "Child care resource and referral service 59353
organization" means a community-based nonprofit organization 59354
that provides child care resource and referral services but not 59355
child care. 59356

(N) "Child care resource and referral services" means all 59357
of the following services: 59358

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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; | 59359
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| (2) Provision of individualized consumer education to families seeking child care; | 59362
59363 |
| (3) Provision of timely referrals of available child care providers to families seeking child care; | 59364
59365 |
| (4) Recruitment of child care providers; | 59366 |
| (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; | 59367
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| (6) Collection and analysis of data on the supply of and demand for child care in the community; | 59371
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| (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs; | 59373
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| (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; | 59376
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| (9) Provision of written educational materials to caretaker parents and informational resources to child care providers; | 59379
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| (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; | 59382
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(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.

(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 primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.

(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2)

of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 59416
511, 42 U.S.C. 9902, as amended, for a family size equal to the 59417
size of the family of the person whose income is being 59418
determined. 59419

(T) "Head start program" means a school-readiness program 59420
that satisfies all of the following: 59421

(1) Is for children from birth to age five who are from 59422
low-income families; 59423

(2) Receives funds distributed under the "Improving Head 59424
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 59425
amended; 59426

(3) Is licensed as a child care program. 59427

(U) "Homeless child care" means child care provided to a 59428
child who satisfies any of the following: 59429

(1) Is homeless as defined in 42 U.S.C. 11302; 59430

(2) Is a homeless child or youth as defined in 42 U.S.C. 59431
11434a; 59432

(3) Resides temporarily with a caretaker in a facility 59433
providing emergency shelter for homeless families or is 59434
determined by a county department of job and family services to 59435
be homeless. 59436

(V) "Income" means gross income, as defined in section 59437
5107.10 of the Revised Code, less any amounts required by 59438
federal statutes or regulations to be disregarded. 59439

(W) "Indicator checklist" means an inspection tool, used 59440
in conjunction with an instrument-based program monitoring 59441
information system, that contains selected licensing 59442

requirements that are statistically reliable indicators or 59443
predictors of a child day-care center's type A family day-care 59444
home's, or licensed type B family day-care home's compliance 59445
with licensing requirements. 59446

(X) "Infant" means a child who is less than eighteen 59447
months of age. 59448

(Y) "In-home aide" means a person who does not reside with 59449
the child but provides care in the child's home and is certified 59450
by a county director of job and family services pursuant to 59451
section 5104.12 of the Revised Code to provide publicly funded 59452
child care to a child in a child's own home pursuant to this 59453
chapter and any rules adopted under it. 59454

(Z) "Instrument-based program monitoring information 59455
system" means a method to assess compliance with licensing 59456
requirements for child day-care centers, type A family day-care 59457
homes, and licensed type B family day-care homes in which each 59458
licensing requirement is assigned a weight indicative of the 59459
relative importance of the requirement to the health, growth, 59460
and safety of the children that is used to develop an indicator 59461
checklist. 59462

(AA) "License capacity" means the maximum number in each 59463
age category of children who may be cared for in a child day- 59464
care center, type A family day-care home, or licensed type B 59465
family day-care home at one time as determined by the director 59466
of job and family services considering building occupancy limits 59467
established by the department of commerce, amount of available 59468
indoor floor space and outdoor play space, and amount of 59469
available play equipment, materials, and supplies. 59470

(BB) "Licensed child care program" means any of the 59471

following: 59472

(1) A child day-care center licensed by the department of 59473
job and family services pursuant to this chapter; 59474

(2) A type A family day-care home or type B family day- 59475
care home licensed by the department of job and family services 59476
pursuant to this chapter; 59477

(3) A licensed preschool program or licensed school child 59478
program. 59479

(CC) "Licensed preschool program" or "licensed school 59480
child program" means a preschool program or school child 59481
program, as defined in section 3301.52 of the Revised Code, that 59482
is licensed by the department of education and workforce 59483
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 59484

(DD) "Licensed type B family day-care home" and "licensed 59485
type B home" mean a type B family day-care home for which there 59486
is a valid license issued by the director of job and family 59487
services pursuant to section 5104.03 of the Revised Code. 59488

(EE) "Licensee" means the owner of a child day-care 59489
center, type A family day-care home, or type B family day-care 59490
home that is licensed pursuant to this chapter and who is 59491
responsible for ensuring compliance with this chapter and rules 59492
adopted pursuant to this chapter. 59493

(FF) "Operate a child day camp" means to operate, 59494
establish, manage, conduct, or maintain a child day camp. 59495

(GG) "Owner" includes a person, as defined in section 1.59 59496
of the Revised Code, or government entity. 59497

(HH) "Parent cooperative child day-care center," "parent 59498
cooperative center," "parent cooperative type A family day-care 59499

home," and "parent cooperative type A home" mean a corporation 59500
or association organized for providing educational services to 59501
the children of members of the corporation or association, 59502
without gain to the corporation or association as an entity, in 59503
which the services of the corporation or association are 59504
provided only to children of the members of the corporation or 59505
association, ownership and control of the corporation or 59506
association rests solely with the members of the corporation or 59507
association, and at least one parent-member of the corporation 59508
or association is on the premises of the center or type A home 59509
during its hours of operation. 59510

(II) "Part-time child day-care center," "part-time 59511
center," "part-time type A family day-care home," and "part-time 59512
type A home" mean a center or type A home that provides child 59513
care or publicly funded child care for not more than four hours 59514
a day for any child or not more than fifteen consecutive weeks 59515
per year, regardless of the number of hours per day. 59516

(JJ) "Place of worship" means a building where activities 59517
of an organized religious group are conducted and includes the 59518
grounds and any other buildings on the grounds used for such 59519
activities. 59520

(KK) "Preschool-age child" means a child who is three 59521
years old or older but is not a school-age child. 59522

(LL) "Protective child care" means publicly funded child 59523
care for the direct care and protection of a child to whom all 59524
of the following apply: 59525

(1) A case plan has been prepared and maintained for the 59526
child pursuant to section 2151.412 of the Revised Code. 59527

(2) The case plan indicates a need for protective care. 59528

(3) The child resides with a parent, stepparent, guardian, 59529
or another person who stands in loco parentis as defined in 59530
rules adopted under section 5104.38 of the Revised Code. 59531

(MM) "Publicly funded child care" means administering to 59532
the needs of infants, toddlers, preschool-age children, and 59533
school-age children under age thirteen during any part of the 59534
twenty-four-hour day by persons other than their caretaker 59535
parents for remuneration wholly or in part with federal or state 59536
funds, including funds available under the child care block 59537
grant act, Title IV-A, and Title XX, distributed by the 59538
department of job and family services. 59539

(NN) "Religious activities" means any of the following: 59540
worship or other religious services; religious instruction; 59541
Sunday school classes or other religious classes conducted 59542
during or prior to worship or other religious services; youth or 59543
adult fellowship activities; choir or other musical group 59544
practices or programs; meals; festivals; or meetings conducted 59545
by an organized religious group. 59546

(OO) "School-age child" means a child who is enrolled in 59547
or is eligible to be enrolled in a grade of kindergarten or 59548
above but is less than fifteen years old or, in the case of a 59549
child who is receiving special needs child care, is less than 59550
eighteen years old. 59551

(PP) "Serious risk noncompliance" means a licensure or 59552
certification rule violation that leads to a great risk of harm 59553
to, or death of, a child, and is observable, not inferable. 59554

(QQ) "Special needs child care" means child care provided 59555
to a child who is less than eighteen years of age and either has 59556
one or more chronic health conditions or does not meet age 59557

appropriate expectations in one or more areas of development, 59558
including social, emotional, cognitive, communicative, 59559
perceptual, motor, physical, and behavioral development and that 59560
may include on a regular basis such services, adaptations, 59561
modifications, or adjustments needed to assist in the child's 59562
function or development. 59563

(RR) "Title IV-A" means Title IV-A of the "Social Security 59564
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 59565

(SS) "Title XX" means Title XX of the "Social Security 59566
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 59567

(TT) "Toddler" means a child who is at least eighteen 59568
months of age but less than three years of age. 59569

(UU) "Type A family day-care home" and "type A home" mean 59570
the permanent residence of the administrator in which child care 59571
or publicly funded child care is provided for seven to twelve 59572
children at one time or a permanent residence of the 59573
administrator in which child care is provided for four to twelve 59574
children at one time if four or more children at one time are 59575
under two years of age. In counting children for the purposes of 59576
this division, any children under six years of age who are 59577
related to a licensee, administrator, or employee and who are on 59578
the premises of the type A home shall be counted. "Type A family 59579
day-care home" and "type A home" do not include any child day 59580
camp. 59581

(VV) "Type B family day-care home" and "type B home" mean 59582
a permanent residence of the provider in which care is provided 59583
for one to six children at one time and in which no more than 59584
three children are under two years of age at one time. In 59585
counting children for the purposes of this division, any 59586

children under six years of age who are related to the provider 59587
and who are on the premises of the type B home shall be counted. 59588
"Type B family day-care home" and "type B home" do not include 59589
any child day camp. 59590

Sec. 5104.015. The director of job and family services 59591
shall adopt rules in accordance with Chapter 119. of the Revised 59592
Code governing the operation of child day-care centers, 59593
including parent cooperative centers, part-time centers, and 59594
drop-in centers. The rules shall reflect the various forms of 59595
child care and the needs of children receiving child care or 59596
publicly funded child care and shall include specific rules for 59597
school-age child care centers that are developed in consultation 59598
with the department of education and workforce. The rules shall 59599
include the following: 59600

(A) Submission of a site plan and descriptive plan of 59601
operation to demonstrate how the center proposes to meet the 59602
requirements of this chapter and rules adopted pursuant to this 59603
chapter for the initial license application; 59604

(B) Standards for ensuring that the physical surroundings 59605
of the center are safe and sanitary including the physical 59606
environment, the physical plant, and the equipment of the 59607
center; 59608

(C) Standards for the supervision, care, and discipline of 59609
children receiving child care or publicly funded child care in 59610
the center; 59611

(D) Standards for a program of activities, and for play 59612
equipment, materials, and supplies, to enhance the development 59613
of each child; however, any educational curricula, philosophies, 59614
and methodologies that are developmentally appropriate and that 59615

enhance the social, emotional, intellectual, and physical 59616
development of each child shall be permissible. As used in this 59617
division, "program" does not include instruction in religious or 59618
moral doctrines, beliefs, or values that is conducted at child 59619
day-care centers owned and operated by churches and does include 59620
methods of disciplining children at child day-care centers. 59621

(E) Admissions policies and procedures; 59622

(F) Health care policies and procedures, including 59623
procedures for the isolation of children with communicable 59624
diseases; 59625

(G) First aid and emergency procedures; 59626

(H) Procedures for discipline and supervision of children; 59627

(I) Standards for the provision of nutritious meals and 59628
snacks; 59629

(J) Procedures for screening children that may include any 59630
necessary physical examinations and shall include immunizations 59631
in accordance with section 5104.014 of the Revised Code; 59632

(K) Procedures for screening employees that may include 59633
any necessary physical examinations and immunizations; 59634

(L) Methods for encouraging parental participation in the 59635
center and methods for ensuring that the rights of children, 59636
parents, and employees are protected and that responsibilities 59637
of parents and employees are met; 59638

(M) Procedures for ensuring the safety and adequate 59639
supervision of children traveling off the premises of the center 59640
while under the care of a center employee; 59641

(N) Procedures for record keeping, organization, and 59642

administration;	59643
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59644 59645 59646
(P) Inspection procedures;	59647
(Q) Procedures and standards for setting initial license application fees;	59648 59649
(R) Procedures for receiving, recording, and responding to complaints about centers;	59650 59651
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59652 59653
(T) Minimum qualifications for employment as an administrator or child-care staff member;	59654 59655
(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;	59656 59657 59658 59659
(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;	59660 59661 59662 59663
(W) A procedure for reporting of injuries of children that occur at the center;	59664 59665
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	59666 59667 59668
(Y) Minimum requirements for instructional time for child	59669

day-care centers rated through the step up to quality program 59670
established pursuant to section 5104.29 of the Revised Code; 59671

(Z) Any other procedures and standards necessary to carry 59672
out the provisions of this chapter regarding child day-care 59673
centers. 59674

Sec. 5104.02. (A) The director of job and family services 59675
is responsible for licensing child day-care centers, type A 59676
family day-care homes, and type B family day-care homes. Each 59677
entity operating a head start program shall meet the criteria 59678
for, and be licensed as, a child day-care center. The director 59679
is responsible for the enforcement of this chapter and of rules 59680
promulgated pursuant to this chapter. 59681

No person, firm, organization, institution, or agency 59682
shall operate, establish, manage, conduct, or maintain a child 59683
day-care center or type A family day-care home without a license 59684
issued under section 5104.03 of the Revised Code. The current 59685
license shall be posted in the center or home in a conspicuous 59686
place that is accessible to parents, custodians, or guardians 59687
and employees of the center or home at all times when the center 59688
or home is in operation. 59689

(B) A person, firm, institution, organization, or agency 59690
operating any of the following programs is exempt from the 59691
requirements of this chapter: 59692

(1) A program caring for children that operates for two 59693
consecutive weeks or less and not more than six weeks total in 59694
each calendar year; 59695

(2) Caring for children in places of worship during 59696
religious activities while at least one parent, guardian, or 59697
custodian of each child is participating in such activities and 59698

is readily available; 59699

(3) Supervised training, instruction, or activities of 59700
children in specific areas, including, but not limited to: art; 59701
drama; dance; music; athletic skills or sports; computers; or an 59702
educational subject conducted on an organized or periodic basis 59703
that a child does not attend for more than eight total hours per 59704
week; 59705

(4) Programs in which the director determines that at 59706
least one parent, custodian, or guardian of each child who is 59707
not an employee of the facility engaged in employment duties is 59708
on the premises of the facility that offers care and is readily 59709
accessible at all times; 59710

(5) Programs that provide care and are regulated by state 59711
departments other than the department of job and family services 59712
or the ~~state board~~ department of education and workforce. 59713

(6) Any preschool program or school child program, except 59714
a head start program, that is subject to licensure by the 59715
department of education and workforce under sections 3301.52 to 59716
3301.59 of the Revised Code. 59717

(7) Any program providing care that meets all of the 59718
following requirements and, on October 20, 1987, was being 59719
operated by a nonpublic school that holds a charter issued ~~by~~ 59720
~~the state board of education under section 3301.16 of the~~ 59721
Revised Code for kindergarten only: 59722

(a) The nonpublic school has given the notice to the state 59723
board of education and the director of job and family services 59724
required by Section 4 of Substitute House Bill No. 253 of the 59725
117th general assembly; 59726

(b) The nonpublic school continues to be chartered by the 59727

~~state board department of education and workforce~~ for 59728
kindergarten, or receives and continues to hold a charter from 59729
the ~~state board department~~ for kindergarten through grade five; 59730

(c) The program is conducted in a school building; 59731

(d) The program is operated in accordance with rules 59732
promulgated by the ~~state board department of education and~~ 59733
workforce under section 3301.53 of the Revised Code. 59734

(8) A youth development program operated outside of school 59735
hours to which all of the following apply: 59736

(a) The children enrolled in the program are under 59737
nineteen years of age and enrolled in or eligible to be enrolled 59738
in a grade of kindergarten or above. 59739

(b) The program provides informal care, which is care that 59740
does not require parental signature, permission, or notice for 59741
the child receiving the care to enter or leave the program. 59742

(c) The program provides any of the following supervised 59743
activities: educational, recreational, culturally enriching, 59744
social, and personal development activities. 59745

(d) The entity operating the program is exempt from 59746
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 59747

(9) A preschool program operated by a nonchartered, 59748
nontax-supported school if the preschool program meets all of 59749
the following conditions: 59750

(a) The program complies with state and local health, 59751
fire, and safety laws. 59752

(b) The program annually certifies in a report to the 59753
parents of its pupils that the school is in compliance with 59754

division (B) (9) (a) of this section and files a copy of the 59755
report with the department of job and family services on or 59756
before the thirtieth day of September of each year. 59757

(c) The program complies with all applicable reporting 59758
requirements in the same manner as required by the ~~state board-~~ 59759
department of education and workforce for nonchartered, 59760
nonpublic primary and secondary schools. 59761

(d) The program is associated with a nonchartered, nontax- 59762
supported primary or secondary school. 59763

(10) A program that provides activities for children who 59764
are five years of age or older and is operated by a county, 59765
township, municipal corporation, township park district created 59766
under section 511.18 of the Revised Code, park district created 59767
under section 1545.04 of the Revised Code, or joint recreation 59768
district established under section 755.14 of the Revised Code. 59769

Sec. 5104.053. As a precondition of approval by the ~~state-~~ 59770
~~board department of education and workforce~~ pursuant to section 59771
3313.813 of the Revised Code for receipt of United States 59772
department of agriculture child and adult care food program 59773
funds established under the "National School Lunch Act," 60 59774
Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of 59775
child care in a type B family day-care home that is not licensed 59776
by the director of job and family services shall request an 59777
inspection of the type B home by the fire marshal, who shall 59778
inspect the type B home pursuant to section 3737.22 of the 59779
Revised Code to determine that it is in compliance with rules 59780
established pursuant to section 5104.052 of the Revised Code for 59781
licensed type B homes. 59782

Sec. 5104.08. (A) There is hereby created in the 59783

department of job and family services a child care advisory 59784
council to advise and assist the department in the 59785
administration of this chapter and in the development of child 59786
care. The council shall consist of twenty-two voting members 59787
appointed by the director of job and family services with the 59788
approval of the governor. The director of job and family 59789
services, the director of developmental disabilities, the 59790
director of mental health and addiction services, the 59791
~~superintendent of public instruction~~director of education and 59792
workforce, the director of health, the director of commerce, and 59793
the state fire marshal shall serve as nonvoting members of the 59794
council. 59795

Six members shall be representatives of child care centers 59796
subject to licensing, the members to represent a variety of 59797
centers, including nonprofit and proprietary, from different 59798
geographical areas of the state. At least three members shall be 59799
parents, guardians, or custodians of children receiving child 59800
care or publicly funded child care in the child's own home, a 59801
center, a type A home, a head start program, a licensed type B 59802
home, or a type B home at the time of appointment. Three members 59803
shall be representatives of in-home aides, type A homes, 59804
licensed type B homes, or type B homes or head start programs. 59805
At least six members shall represent county departments of job 59806
and family services. The remaining members shall be 59807
representatives of the teaching, child development, and health 59808
professions, and other individuals interested in the welfare of 59809
children. At least six members of the council shall not be 59810
employees or licensees of a child day-care center, head start 59811
program, or type A home, or providers operating a licensed type 59812
B home or type B home, or in-home aides. 59813

Appointments shall be for three-year terms. Vacancies 59814

shall be filled for the unexpired terms. A member of the council 59815
is subject to removal by the director of job and family services 59816
for a willful and flagrant exercise of authority or power that 59817
is not authorized by law, for a refusal or willful neglect to 59818
perform any official duty as a member of the council imposed by 59819
law, or for being guilty of misfeasance, malfeasance, 59820
nonfeasance, or gross neglect of duty as a member of the 59821
council. 59822

There shall be two co-chairpersons of the council. One co- 59823
chairperson shall be the director of job and family services or 59824
the director's designee, and one co-chairperson shall be elected 59825
by the members of the council. The council shall meet as often 59826
as is necessary to perform its duties, provided that it shall 59827
meet at least once in each quarter of each calendar year and at 59828
the call of the co-chairpersons. The co-chairpersons or their 59829
designee shall send to each member a written notice of the date, 59830
time, and place of each meeting. 59831

Members of the council shall serve without compensation, 59832
but shall be reimbursed for necessary expenses. 59833

(B) The child care advisory council shall advise the 59834
director on matters affecting the licensing of centers, type A 59835
homes, and type B homes and the certification of in-home aides. 59836
The council shall make an annual report to the director of job 59837
and family services that addresses the availability, 59838
affordability, accessibility, and quality of child care and that 59839
summarizes the recommendations and plans of action that the 59840
council has proposed to the director during the preceding fiscal 59841
year. The director of job and family services shall provide 59842
copies of the report to the governor, speaker and minority 59843
leader of the house of representatives, and the president and 59844

minority leader of the senate and, on request, shall make copies 59845
available to the public. 59846

(C) The director of job and family services shall adopt 59847
rules in accordance with Chapter 119. of the Revised Code to 59848
implement this section. 59849

Sec. 5104.29. (A) As used in this section, "early learning 59850
and development program" has the same meaning as "licensed child 59851
care program" as defined in section 5104.01 of the Revised Code. 59852

(B) There is hereby created in the department of job and 59853
family services the step up to quality program, under which the 59854
department of job and family services, in cooperation with the 59855
department of education and workforce, shall develop a tiered 59856
quality rating and improvement system for all early learning and 59857
development programs in this state. The step up to quality 59858
program shall include all of the following components: 59859

(1) Quality program standards for early learning and 59860
development programs; 59861

(2) Accountability measures that include tiered ratings 59862
representing each program's level of quality; 59863

(3) Program and provider outreach and support to help 59864
programs meet higher standards and promote participation in the 59865
step up to quality program; 59866

(4) Financial incentives for early learning and 59867
development programs that provide publicly funded child care and 59868
are linked to achieving and maintaining quality standards; 59869

(5) Parent and consumer education to help parents learn 59870
about program quality and ratings so they can make informed 59871
choices on behalf of their children. 59872

(C) The step up to quality program shall have the following goals: 59873
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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; 59875
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 59879
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59881

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality; 59882
59883

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 59884
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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. 59887
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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: 59892
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59894
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(1) Learning and development; 59896

(2) Administration and leadership practices; 59897

(3) Staff quality and professional development; 59898

(4) Family and community partnerships. 59899

(F) The director of job and family services, in 59900
collaboration with the ~~superintendent of public~~ 59901
~~instruction~~director of education and workforce, shall adopt 59902
rules in accordance with Chapter 119. of the Revised Code to 59903
implement the step up to quality program described in this 59904
section. 59905

Sec. 5104.30. (A) The department of job and family 59906
services is hereby designated as the state agency responsible 59907
for administration and coordination of federal and state funding 59908
for publicly funded child care in this state. Publicly funded 59909
child care shall be provided to the following: 59910

(1) Recipients of transitional child care as provided 59911
under section 5104.34 of the Revised Code; 59912

(2) Participants in the Ohio works first program 59913
established under Chapter 5107. of the Revised Code; 59914

(3) Individuals who would be participating in the Ohio 59915
works first program if not for a sanction under section 5107.16 59916
of the Revised Code and who continue to participate in a work 59917
activity, developmental activity, or alternative work activity 59918
pursuant to an assignment under section 5107.42 of the Revised 59919
Code; 59920

(4) A family receiving publicly funded child care on 59921
October 1, 1997, until the family's income reaches one hundred 59922
fifty per cent of the federal poverty line; 59923

(5) Subject to available funds, other individuals 59924
determined eligible in accordance with rules adopted under 59925
section 5104.38 of the Revised Code. 59926

The department shall apply to the United States department 59927
of health and human services for authority to operate a 59928

coordinated program for publicly funded child care, if the 59929
director of job and family services determines that the 59930
application is necessary. For purposes of this section, the 59931
department of job and family services may enter into agreements 59932
with other state agencies that are involved in regulation or 59933
funding of child care. The department shall consider the special 59934
needs of migrant workers when it administers and coordinates 59935
publicly funded child care and shall develop appropriate 59936
procedures for accommodating the needs of migrant workers for 59937
publicly funded child care. 59938

(B) The department of job and family services shall 59939
distribute state and federal funds for publicly funded child 59940
care, including appropriations of state funds for publicly 59941
funded child care and appropriations of federal funds available 59942
under the child care block grant act, Title IV-A, and Title XX. 59943
The department may use any state funds appropriated for publicly 59944
funded child care as the state share required to match any 59945
federal funds appropriated for publicly funded child care. 59946

(C) In the use of federal funds available under the child 59947
care block grant act, all of the following apply: 59948

(1) The department may use the federal funds to hire staff 59949
to prepare any rules required under this chapter and to 59950
administer and coordinate federal and state funding for publicly 59951
funded child care. 59952

(2) Not more than five per cent of the aggregate amount of 59953
the federal funds received for a fiscal year may be expended for 59954
administrative costs. 59955

(3) The department shall allocate and use at least four 59956
per cent of the federal funds for the following: 59957

- (a) Activities designed to provide comprehensive consumer education to parents and the public; 59958
59959
- (b) Activities that increase parental choice; 59960
- (c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 59961
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59963
- (d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 59964
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- (4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 59966
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- (D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education and workforce, the chancellor of higher education, the department of development, and other state agencies and entities whenever the 59974
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cooperative efforts of the other state agencies and entities are 59987
necessary for the department of job and family services to 59988
fulfill its duties and responsibilities under this chapter. 59989

The department shall develop and maintain a registry of 59990
persons providing child care. The director shall adopt rules in 59991
accordance with Chapter 119. of the Revised Code establishing 59992
procedures and requirements for the registry's administration. 59993

(E) (1) The director shall adopt rules in accordance with 59994
Chapter 119. of the Revised Code establishing both of the 59995
following: 59996

(a) Reimbursement ceilings for providers of publicly 59997
funded child care not later than the first day of July in each 59998
odd-numbered year; 59999

(b) A procedure for reimbursing and paying providers of 60000
publicly funded child care. 60001

(2) In establishing reimbursement ceilings under division 60002
(E) (1) (a) of this section, the director shall do all of the 60003
following: 60004

(a) Use the information obtained in accordance with 45 60005
C.F.R. 98.45; 60006

(b) Establish an enhanced reimbursement ceiling for 60007
providers who provide child care for caretaker parents who work 60008
nontraditional hours; 60009

(c) With regard to the step up to quality program 60010
established pursuant to section 5104.29 of the Revised Code, do 60011
both of the following: 60012

(i) Establish enhanced reimbursement ceilings for child 60013
day-care providers that participate in the program and maintain 60014

quality ratings;	60015
(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.	60016 60017 60018
(3) In establishing reimbursement ceilings under division (E) (1) (a) of this section, the director may establish different reimbursement ceilings based on any of the following:	60019 60020 60021
(a) Geographic location of the provider;	60022
(b) Type of care provided;	60023
(c) Age of the child served;	60024
(d) Special needs of the child served;	60025
(e) Whether the expanded hours of service are provided;	60026
(f) Whether weekend service is provided;	60027
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	60028 60029
(h) Any other factors the director considers appropriate.	60030
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:	60031 60032 60033 60034 60035
(A) The participant is not yet eligible for enrollment in first grade;	60036 60037
(B) The participant is subject to the LEAP program;	60038
(C) The participant has received one of the following:	60039

(1) A high school diploma;	60040
(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.	60041 60042 60043 60044 60045
(D) The participant has been excused from school attendance pursuant to section 3321.04 <u>3321.042</u> of the Revised Code;	60046 60047 60048
(E) If child care services for a member of the participant's household are necessary for the participant to attend school, child care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 of the Revised Code and transportation to and from the child care are not available;	60049 60050 60051 60052 60053 60054
(F) The participant has been adjudicated a delinquent or unruly child pursuant to section 2151.28 of the Revised Code.	60055 60056
Sec. 5107.287. The county department of job and family services shall establish policies defining "good cause for being absent from school" and specifying what constitutes a day of attendance for purposes of the learnfare program's school attendance requirement.	60057 60058 60059 60060 60061
Not later than the fifteenth day of each month of a school year or another time agreed to by the county department of job and family services and state board <u>department of education and workforce</u> but not later than the thirtieth day of each month, each attendance officer or assistant appointed under section 3321.14 or 3321.15 of the Revised Code who oversees the attendance of students enrolled in the school districts of a	60062 60063 60064 60065 60066 60067 60068

county that is participating in the learnfare program shall 60069
report to the county department of job and family services the 60070
previous month's school attendance record of each participating 60071
student. The report shall specify which if any of the 60072
participating student's absences are excused because the absence 60073
meets the definition of "good cause for being absent from 60074
school." No absence for which there is good cause shall be 60075
considered in determining whether a participating student has 60076
complied with the learnfare program's school attendance 60077
requirement. 60078

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of 60079
the Revised Code: 60080

(A) "Alternative work activity" means an activity designed 60081
to promote self sufficiency and personal responsibility 60082
established by a county department of job and family services 60083
under section 5107.64 of the Revised Code. 60084

(B) "Developmental activity" means an activity designed to 60085
promote self sufficiency and personal responsibility established 60086
by a county department of job and family services under section 60087
5107.62 of the Revised Code. 60088

(C) "Certificate of high school equivalence" means a 60089
certificate attesting to achievement of the equivalent of a high 60090
school education as measured by scores obtained on a high school 60091
equivalency test approved by the department of education and 60092
workforce pursuant to division (B) of section 3301.80 of the 60093
Revised Code. "Certificate of high school equivalence" includes 60094
a certificate of high school equivalence issued prior to January 60095
1, 1994, attesting to the achievement of the equivalent of a 60096
high school education as measured by scores obtained on tests of 60097
general educational development. 60098

(D) "Work activity" means the following:	60099
(1) Unsubsidized employment activities established under section 5107.60 of the Revised Code;	60100 60101
(2) The subsidized employment program established under section 5107.52 of the Revised Code;	60102 60103
(3) The work experience program established under section 5107.54 of the Revised Code;	60104 60105
(4) On-the-job training activities established under section 5107.60 of the Revised Code;	60106 60107
(5) The job search and readiness program established under section 5107.50 of the Revised Code;	60108 60109
(6) Community service activities established under section 5107.60 of the Revised Code;	60110 60111
(7) Vocational educational training activities established under section 5107.60 of the Revised Code;	60112 60113
(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;	60114 60115 60116
(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;	60117 60118 60119 60120
(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	60121 60122 60123 60124 60125

leading to a certificate of high school equivalence; 60126

(11) Child-care service activities, including training, 60127
established under section 5107.60 of the Revised Code to aid 60128
another participant of Ohio works first assigned to a community 60129
service activity or other work activity; 60130

(12) The education program established under section 60131
5107.58 of the Revised Code that are operated pursuant to a 60132
federal waiver granted by the United States secretary of health 60133
and human services pursuant to a request made under former 60134
section 5101.09 of the Revised Code; 60135

(13) To the extent provided by division (C) of section 60136
5107.30 of the Revised Code, the LEAP program established under 60137
that section. 60138

Sec. 5107.62. County departments of job and family 60139
services shall establish and administer developmental activities 60140
for minor heads of households and adults participating in Ohio 60141
works first. In establishing developmental activities, county 60142
departments are not limited by the restrictions that Title IV-A 60143
imposes on work activities. Developmental activities may be 60144
identical or similar to, or different from, work activities and 60145
alternative work activities. 60146

In accordance with a federal waiver granted by the United 60147
States secretary of health and human services pursuant to a 60148
request made under former section 5101.09 of the Revised Code, a 60149
county department may establish and administer a developmental 60150
activity under which a minor head of household or adult attends 60151
a school, special education program, or adult high school 60152
continuation program that conforms to the minimum standards 60153
prescribed by the ~~state board~~ director of education and 60154

workforce or instructional courses designed to prepare the minor head of household or adult to earn a certificate of high school equivalence. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or certificate of high school equivalence not later than two years after the date the minor head of household or adult is placed in the activity.

Sec. 5120.031. (A) As used in this section: 60163

(1) "Certificate of high school equivalence" means either: 60164

(a) A statement that is issued by the department of education and workforce that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education and workforce pursuant to division

(B) of section 3301.80 of the Revised Code; 60170

(b) A statement that is issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test. 60175

(2) "Certificate of adult basic education" means a statement that is issued by the department of rehabilitation and correction through the Ohio central school system approved by the ~~state board~~ department of education and workforce and that indicates that its holder has achieved a 6.0 grade level, or higher, as measured by scores of nationally standardized or recognized tests. 60182

(3) "Deadly weapon" and "firearm" have the same meanings 60183

as in section 2923.11 of the Revised Code. 60184

(4) "Eligible offender" means a person, other than one who 60185
is ineligible to participate in an intensive program prison 60186
under the criteria specified in section 5120.032 of the Revised 60187
Code, who has been convicted of or pleaded guilty to, and has 60188
been sentenced for, a felony. 60189

(5) "Shock incarceration" means the program of 60190
incarceration that is established pursuant to the rules of the 60191
department of rehabilitation and correction adopted under this 60192
section. 60193

(B) (1) The director of rehabilitation and correction, by 60194
rules adopted under Chapter 119. of the Revised Code, shall 60195
establish a pilot program of shock incarceration that may be 60196
used for offenders who are sentenced to serve a term of 60197
imprisonment under the custody of the department of 60198
rehabilitation and correction, whom the department determines to 60199
be eligible offenders, and whom the department, subject to the 60200
approval of the sentencing judge, may permit to serve their 60201
sentence as a sentence of shock incarceration in accordance with 60202
this section. 60203

(2) The rules for the pilot program shall require that the 60204
program be established at an appropriate state correctional 60205
institution designated by the director and that the program 60206
consist of both of the following for each eligible offender whom 60207
the department, with the approval of the sentencing judge, 60208
permits to serve the eligible offender's sentence as a sentence 60209
of shock incarceration: 60210

(a) A period of imprisonment at that institution of ninety 60211
days that shall consist of a military style combination of 60212

discipline, physical training, and hard labor and substance 60213
abuse education, employment skills training, social skills 60214
training, and psychological treatment. During the ninety-day 60215
period, the department may permit an eligible offender to 60216
participate in a self-help program. Additionally, during the 60217
ninety-day period, an eligible offender who holds a high school 60218
diploma or a certificate of high school equivalence may be 60219
permitted to tutor other eligible offenders in the shock 60220
incarceration program. If an eligible offender does not hold a 60221
high school diploma or certificate of high school equivalence, 60222
the eligible offender may elect to participate in an education 60223
program that is designed to award a certificate of adult basic 60224
education or an education program that is designed to award a 60225
certificate of high school equivalence to those eligible 60226
offenders who successfully complete the education program, 60227
whether the completion occurs during or subsequent to the 60228
ninety-day period. To the extent possible, the department shall 60229
use as teachers in the education program persons who have been 60230
issued a license pursuant to sections 3319.22 to 3319.31 of the 60231
Revised Code, who have volunteered their services to the 60232
education program, and who satisfy any other criteria specified 60233
in the rules for the pilot project. 60234

(b) Immediately following the ninety-day period of 60235
imprisonment, and notwithstanding any other provision governing 60236
the early release of a prisoner from imprisonment or the 60237
transfer of a prisoner to transitional control, one of the 60238
following, as determined by the director: 60239

(i) An intermediate, transitional type of detention for 60240
the period of time determined by the director and, immediately 60241
following the intermediate, transitional type of detention, a 60242
release under a post-release control sanction imposed in 60243

accordance with section 2967.28 of the Revised Code. The period 60244
of intermediate, transitional type of detention imposed by the 60245
director under this division may be in a halfway house, in a 60246
community-based correctional facility and program or district 60247
community-based correctional facility and program established 60248
under sections 2301.51 to 2301.58 of the Revised Code, or in any 60249
other facility approved by the director that provides for 60250
detention to serve as a transition between imprisonment in a 60251
state correctional institution and release from imprisonment. 60252

(ii) A release under a post-release control sanction 60253
imposed in accordance with section 2967.28 of the Revised Code. 60254

(3) The rules for the pilot program also shall include, 60255
but are not limited to, all of the following: 60256

(a) Rules identifying the locations within the state 60257
correctional institution designated by the director that will be 60258
used for eligible offenders serving a sentence of shock 60259
incarceration; 60260

(b) Rules establishing specific schedules of discipline, 60261
physical training, and hard labor for eligible offenders serving 60262
a sentence of shock incarceration, based upon the offender's 60263
physical condition and needs; 60264

(c) Rules establishing standards and criteria for the 60265
department to use in determining which eligible offenders the 60266
department will permit to serve their sentence of imprisonment 60267
as a sentence of shock incarceration; 60268

(d) Rules establishing guidelines for the selection of 60269
post-release control sanctions for eligible offenders; 60270

(e) Rules establishing procedures for notifying sentencing 60271
courts of the performance of eligible offenders serving their 60272

sentences of imprisonment as a sentence of shock incarceration; 60273

(f) Any other rules that are necessary for the proper 60274
conduct of the pilot program. 60275

(C) (1) If an offender is sentenced to a term of 60276
imprisonment under the custody of the department, if the 60277
sentencing court either recommends the offender for placement in 60278
a program of shock incarceration under this section or makes no 60279
recommendation on placement of the offender, and if the 60280
department determines that the offender is an eligible offender 60281
for placement in a program of shock incarceration under this 60282
section, the department may permit the eligible offender to 60283
serve the sentence in a program of shock incarceration, in 60284
accordance with division (I) of section 2929.14 of the Revised 60285
Code, with this section, and with the rules adopted under this 60286
section. If the sentencing court disapproves placement of the 60287
offender in a program of shock incarceration, the department 60288
shall not place the offender in any program of shock 60289
incarceration. 60290

If the sentencing court recommends the offender for 60291
placement in a program of shock incarceration and if the 60292
department subsequently places the offender in the recommended 60293
program, the department shall notify the court of the offender's 60294
placement in the recommended program and shall include with the 60295
notice a brief description of the placement. 60296

If the sentencing court recommends placement of the 60297
offender in a program of shock incarceration and the department 60298
for any reason does not subsequently place the offender in the 60299
recommended program, the department shall send a notice to the 60300
court indicating why the offender was not placed in the 60301
recommended program. 60302

If the sentencing court does not make a recommendation on the placement of an offender in a program of shock incarceration and if the department determines that the offender is an eligible offender for placement in a program of that nature, the department shall screen the offender and determine if the offender is suited for the program of shock incarceration. If the offender is suited for the program of shock incarceration, at least three weeks prior to permitting an eligible offender to serve the sentence in a program of shock incarceration, the department shall notify the sentencing court of the proposed placement of the offender in the program and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. If the sentencing court disapproves of the placement, the department shall not permit the eligible offender to serve the sentence in a program of shock incarceration. If the judge does not timely disapprove of placement of the offender in the program of shock incarceration, the department may proceed with plans for placement of the offender.

If the department determines that the offender is not eligible for placement in a program of shock incarceration, the department shall not place the offender in any program of shock incarceration.

(2) If the department permits an eligible offender to serve the eligible offender's sentence of imprisonment as a sentence of shock incarceration and the eligible offender does not satisfactorily complete the entire period of imprisonment described in division (B) (2) (a) of this section, the offender shall be removed from the pilot program for shock incarceration and shall be required to serve the remainder of the offender's sentence of imprisonment imposed by the sentencing court as a

regular term of imprisonment. If the eligible offender commences 60334
a period of post-release control described in division (B) (2) (b) 60335
of this section and violates the conditions of that post-release 60336
control, the eligible offender shall be subject to the 60337
provisions of sections 2929.141, 2967.15, and 2967.28 of the 60338
Revised Code regarding violation of post-release control 60339
sanctions. 60340

(3) If an eligible offender's stated prison term expires 60341
at any time during the eligible offender's participation in the 60342
shock incarceration program, the adult parole authority shall 60343
terminate the eligible offender's participation in the program 60344
and shall issue to the eligible offender a certificate of 60345
expiration of the stated prison term. 60346

(D) The director shall keep sentencing courts informed of 60347
the performance of eligible offenders serving their sentences of 60348
imprisonment as a sentence of shock incarceration, including, 60349
but not limited to, notice of eligible offenders who fail to 60350
satisfactorily complete their entire sentence of shock 60351
incarceration or who satisfactorily complete their entire 60352
sentence of shock incarceration. 60353

(E) Within a reasonable period of time after November 20, 60354
1990, the director shall appoint a committee to search for one 60355
or more suitable sites at which one or more programs of shock 60356
incarceration, in addition to the pilot program required by 60357
division (B) (1) of this section, may be established. The search 60358
committee shall consist of the director or the director's 60359
designee, as chairperson; employees of the department of 60360
rehabilitation and correction appointed by the director; and any 60361
other persons that the director, in the director's discretion, 60362
appoints. In searching for such sites, the search committee 60363

shall give preference to any site owned by the state or any 60364
other governmental entity and to any existing structure that 60365
reasonably could be renovated, enlarged, converted, or remodeled 60366
for purposes of establishing such a program. The search 60367
committee shall prepare a report concerning its activities and, 60368
on the earlier of the day that is twelve months after the first 60369
day on which an eligible offender began serving a sentence of 60370
shock incarceration under the pilot program or January 1, 1992, 60371
shall file the report with the president and the minority leader 60372
of the senate, the speaker and the minority leader of the house 60373
of representatives, the members of the senate who were members 60374
of the senate judiciary committee in the 118th general assembly 60375
or their successors, and the members of the house of 60376
representatives who were members of the select committee to hear 60377
drug legislation that was established in the 118th general 60378
assembly or their successors. Upon the filing of the report, the 60379
search committee shall terminate. The report required by this 60380
division shall contain all of the following: 60381

(1) A summary of the process used by the search committee 60382
in performing its duties under this division; 60383

(2) A summary of all of the sites reviewed by the search 60384
committee in performing its duties under this division, and the 60385
benefits and disadvantages it found relative to the 60386
establishment of a program of shock incarceration at each such 60387
site; 60388

(3) The findings and recommendations of the search 60389
committee as to the suitable site or sites, if any, at which a 60390
program of shock incarceration, in addition to the pilot program 60391
required by division (B) (1) of this section, may be established. 60392

(F) The director periodically shall review the pilot 60393

program for shock incarceration required to be established by 60394
division (B)(1) of this section. The director shall prepare a 60395
report relative to the pilot program and, on the earlier of the 60396
day that is twelve months after the first day on which an 60397
eligible offender began serving a sentence of shock 60398
incarceration under the pilot program or January 1, 1992, shall 60399
file the report with the president and the minority leader of 60400
the senate, the speaker and the minority leader of the house of 60401
representatives, the members of the senate who were members of 60402
the senate judiciary committee in the 118th general assembly or 60403
their successors, and the members of the house of 60404
representatives who were members of the select committee to hear 60405
drug legislation that was established in the 118th general 60406
assembly or their successors. The pilot program shall not 60407
terminate at the time of the filing of the report, but shall 60408
continue in operation in accordance with this section. The 60409
report required by this division shall include all of the 60410
following: 60411

(1) A summary of the pilot program as initially 60412
established, a summary of all changes in the pilot program made 60413
during the period covered by the report and the reasons for the 60414
changes, and a summary of the pilot program as it exists on the 60415
date of preparation of the report; 60416

(2) A summary of the effectiveness of the pilot program, 60417
in the opinion of the director and employees of the department 60418
involved in its operation; 60419

(3) An analysis of the total cost of the pilot program, of 60420
its cost per inmate who was permitted to serve a sentence of 60421
shock incarceration and who served the entire sentence of shock 60422
incarceration, and of its cost per inmate who was permitted to 60423

serve a sentence of shock incarceration; 60424

(4) A summary of the standards and criteria used by the 60425
department in determining which eligible offenders were 60426
permitted to serve their sentence of imprisonment as a sentence 60427
of shock incarceration; 60428

(5) A summary of the characteristics of the eligible 60429
offenders who were permitted to serve their sentence of 60430
imprisonment as a sentence of shock incarceration, which summary 60431
shall include, but not be limited to, a listing of every offense 60432
of which any such eligible offender was convicted or to which 60433
any such eligible offender pleaded guilty and in relation to 60434
which the eligible offender served a sentence of shock 60435
incarceration, and the total number of such eligible offenders 60436
who were convicted of or pleaded guilty to each such offense; 60437

(6) A listing of the number of eligible offenders who were 60438
permitted to serve a sentence of shock incarceration and who did 60439
not serve the entire sentence of shock incarceration, and, to 60440
the extent possible, a summary of the length of the terms of 60441
imprisonment served by such eligible offenders after they were 60442
removed from the pilot program; 60443

(7) A summary of the effect of the pilot program on 60444
overcrowding at state correctional institutions; 60445

(8) To the extent possible, an analysis of the rate of 60446
recidivism of eligible offenders who were permitted to serve a 60447
sentence of shock incarceration and who served the entire 60448
sentence of shock incarceration; 60449

(9) Recommendations as to legislative changes to the pilot 60450
program that would assist in its operation or that could further 60451
alleviate overcrowding at state correctional institutions, and 60452

recommendations as to whether the pilot program should be 60453
expanded. 60454

Sec. 5120.07. (A) There is hereby created the ex-offender 60455
reentry coalition consisting of the following twenty-one members 60456
or their designees: 60457

(1) The director of rehabilitation and correction; 60458

(2) The director of aging; 60459

(3) The director of mental health and addiction services; 60460

(4) The director of development services; 60461

(5) The ~~superintendent of public instruction~~director of 60462
education and workforce; 60463

(6) The director of health; 60464

(7) The director of job and family services; 60465

(8) The director of developmental disabilities; 60466

(9) The director of public safety; 60467

(10) The director of youth services; 60468

(11) The chancellor of higher education~~the Ohio board of~~ 60469
~~regents~~; 60470

(12) A representative or member of the governor's staff; 60471

(13) The executive director of the opportunities for 60472
Ohioans with disabilities agency; 60473

(14) The director of the department of commerce; 60474

(15) The executive director of a health care licensing 60475
board created under Title XLVII of the Revised Code, as 60476
appointed by the chairperson of the coalition; 60477

- (16) The director of veterans services; 60478
- (17) An ex-offender appointed by the director of 60479
rehabilitation and correction; 60480
- (18) Two members of the house of representatives appointed 60481
by the speaker of the house of representatives, one of whom 60482
shall be the chairperson of the standing committee in the house 60483
of representatives that primarily addresses criminal justice 60484
matters and the other of whom shall be a member of the minority 60485
party in the house of representatives; 60486
- (19) Two members of the senate appointed by the president 60487
of the senate, one of whom shall be the chairperson of the 60488
standing committee in the senate that primarily addresses 60489
criminal justice matters and the other of whom shall be a member 60490
of the minority party in the senate. 60491
- (B) The members of the coalition shall serve without 60492
compensation. The director of rehabilitation and correction or 60493
the director's designee shall be the chairperson of the 60494
coalition. 60495
- (C) In consultation with persons interested and involved 60496
in the reentry of ex-offenders into the community, the members 60497
of the coalition shall meet periodically for the purpose of 60498
formulating, discussing, and developing policies and practices 60499
that facilitate the expansion and improvement of reentry 60500
services provided by state and local agencies in the 60501
collaborative efforts of those agencies to reintegrate offenders 60502
into society while simultaneously maintaining public safety and 60503
reducing recidivism in this state. Not later than one year after 60504
April 7, 2009, and on or before the same date of each year 60505
thereafter, the coalition shall submit to the speaker of the 60506

house of representatives and the president of the senate a 60507
report, including recommendations for legislative action, the 60508
activities of the coalition, and the barriers affecting the 60509
successful reentry of ex-offenders into the community. The 60510
report shall analyze the effects of those barriers on ex- 60511
offenders and on their children and other family members in 60512
various areas, including but not limited to, the following: 60513

- (1) Admission to public and other housing; 60514
- (2) Child support obligations and procedures; 60515
- (3) Parental incarceration and family reunification; 60516
- (4) Social security benefits, veterans' benefits, food 60517
stamps, and other forms of public assistance; 60518
- (5) Employment; 60519
- (6) Education programs and financial assistance; 60520
- (7) Substance abuse and sex offender treatment programs 60521
and financial assistance and mental health services and 60522
financial assistance; 60523
- (8) Civic and political participation; 60524
- (9) Other collateral consequences under the Revised Code 60525
or the Ohio administrative code law that may result from a 60526
criminal conviction. 60527

(D) (1) The report shall also include the following 60528
information: 60529

- (a) Identification of state appropriations for reentry 60530
programs; 60531
- (b) Identification of other funding sources for reentry 60532
programs that are not funded by the state. 60533

(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:

(a) The amount of funding received;

(b) The number of program participants;

(c) The composition of the program, including program goals, methods for measuring success, and program success rate;

(d) The type of post-program tracking that is utilized;

(e) Information about employment rates and recidivism rates of ex-offenders.

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.

Sec. 5123.022. (A) As used in this section:

(1) "Community employment" means competitive employment that takes place in an integrated setting.

(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.

(3) "Integrated setting" means a setting typically found in the community where individuals with developmental

disabilities interact with individuals who do not have 60561
disabilities to the same extent that individuals in comparable 60562
positions who are not disabled interact with other individuals, 60563
including in employment settings in which employees interact 60564
with the community through technology. 60565

(B) It is hereby declared to be the policy of this state 60566
that employment services for individuals with developmental 60567
disabilities be directed at community employment. Every 60568
individual with a developmental disability is presumed capable 60569
of community employment. 60570

The departments of developmental disabilities, education 60571
and workforce, medicaid, job and family services, and mental 60572
health and addiction services; the opportunities for Ohioans 60573
with disabilities agency; and each other state agency that 60574
provides employment services to individuals with developmental 60575
disabilities shall implement the policy of this state and ensure 60576
that it is followed whenever employment services are provided to 60577
individuals with developmental disabilities. 60578

The department of developmental disabilities shall 60579
coordinate the actions taken by state agencies to comply with 60580
the state's policy. Agencies shall collaborate within their 60581
divisions and with each other to ensure that state programs, 60582
policies, procedures, and funding support competitive and 60583
integrated employment of individuals with developmental 60584
disabilities. State agencies shall share information with the 60585
department, and the department shall track progress toward full 60586
implementation of the policy. The department, in coordination 60587
with any task force established by the governor, shall compile 60588
data and annually submit to the governor a report on 60589
implementation of the policy. 60590

The department and state agencies may adopt rules to 60591
implement the state's policy. 60592

(C) The state's policy articulated in this section is 60593
intended to promote the right of each individual with a 60594
developmental disability to informed choice; however, nothing in 60595
this section requires any employer to give preference in hiring 60596
to an individual because the individual has a disability. 60597

Sec. 5123.023. (A) The director of developmental 60598
disabilities shall establish an employment first task force 60599
consisting of the departments of developmental disabilities, 60600
education and workforce, medicaid, job and family services, and 60601
mental health and addiction services; and the opportunities for 60602
Ohioans with disabilities agency. The purpose of the task force 60603
shall be to improve the coordination of the state's efforts to 60604
address the needs of individuals with developmental disabilities 60605
who seek community employment as defined in section 5123.022 of 60606
the Revised Code. 60607

(B) The department of developmental disabilities may enter 60608
into interagency agreements with any of the government entities 60609
on the task force. The interagency agreements may specify either 60610
or both of the following: 60611

(1) The roles and responsibilities of the government 60612
entities that are members of the task force, including any money 60613
to be contributed by those entities; 60614

(2) The projects and activities of the task force. 60615

(C) There is hereby created in the state treasury the 60616
employment first taskforce fund. Any money received by the task 60617
force from its members shall be credited to the fund. The 60618
department of developmental disabilities shall use the fund to 60619

support the work of the task force. 60620

Sec. 5123.025. It is hereby declared to be the policy of 60621
this state that individuals with developmental disabilities 60622
shall have access to innovative technology solutions. Technology 60623
can ensure that people with developmental disabilities have 60624
increased opportunities to live, work, and thrive in their 60625
homes, communities, and places of employment through state of 60626
the art planning, innovative technology, and supports that focus 60627
on their talents, interests, and skills. 60628

The departments of developmental disabilities, education 60629
and workforce, medicaid, aging, job and family services, mental 60630
health and addiction services, and transportation; the 60631
opportunities for Ohioans with disabilities agency; and each 60632
other state agency that provides technology services to 60633
individuals with developmental disabilities shall implement the 60634
policy of this state and ensure that it is followed whenever 60635
technology services are provided to individuals with 60636
developmental disabilities. 60637

The department of developmental disabilities, in 60638
partnership with the office of innovateohio, shall coordinate 60639
the actions taken by state agencies to comply with the state's 60640
policy. Agencies shall collaborate within their divisions and 60641
with each other to ensure that state programs, policies, 60642
procedures, and funding support the development of access to 60643
technology for individuals with developmental disabilities. 60644
State agencies shall share information with the department, and 60645
the department shall track progress toward full implementation 60646
of the policy. The department, in coordination with the 60647
technology first task force established under section 5123.026 60648
of Revised Code, shall compile data and annually submit to the 60649

governor and lieutenant governor a report on implementation of 60650
the policy. 60651

The department and state agencies may adopt rules to 60652
implement the state's policy. 60653

Sec. 5123.026. (A) The director of developmental 60654
disabilities shall establish a technology first task force 60655
consisting of representatives from the office of innovateohio; 60656
the departments of developmental disabilities, education and 60657
workforce, medicaid, aging, job and family services, mental 60658
health and addiction services, and transportation; and the 60659
opportunities for Ohioans with disabilities agency. 60660

(B) The task force shall do all of the following: 60661

(1) Expand innovative technology solutions within the 60662
operation and delivery of services to individuals with 60663
developmental disabilities; 60664

(2) Use technology to reduce the barriers individuals with 60665
developmental disabilities experience; 60666

(3) Align policies for all state agencies on the task 60667
force. 60668

(C) The department of developmental disabilities may enter 60669
into interagency agreements with any of the government entities 60670
on the task force. The interagency agreements may specify either 60671
or both of the following: 60672

(1) The roles and responsibilities of the government 60673
entities that are members of the task force, including any money 60674
to be contributed by those entities; 60675

(2) The projects and activities of the task force. 60676

(D) The department and state agencies may adopt rules to 60677
implement the task force. 60678

Sec. 5123.0423. As used in this section, "school district 60679
of residence" has the same meaning as in section 3323.01 of the 60680
Revised Code. 60681

The director of developmental disabilities shall request a 60682
student data verification code from the independent contractor 60683
engaged by the department of education and workforce to create 60684
and maintain such codes for school districts and community 60685
schools under division (D) (2) of section 3301.0714 of the 60686
Revised Code for each child who is receiving services from the 60687
state's part C early intervention services program. The director 60688
shall request from the parent, guardian, or custodian of the 60689
child, or from any other person who is authorized by law to make 60690
decisions regarding the child's education, the name and address 60691
of the child's school district of residence. The director shall 60692
submit the data verification code for that child to the child's 60693
school district of residence at the time the child ceases to 60694
receive services from the part C early intervention services 60695
program. 60696

The director and each school district that receives a data 60697
verification code under this section shall not release that code 60698
to any person except as provided by law. Any document that the 60699
director holds in the director's files that contains both a 60700
child's name or other personally identifiable information and 60701
the child's data verification code is not a public record under 60702
section 149.43 of the Revised Code. 60703

Sec. 5126.04. (A) Each county board of developmental 60704
disabilities shall plan and set priorities based on available 60705
resources for the provision of facilities, programs, and other 60706

services to meet the needs of county residents who are 60707
individuals with developmental disabilities, former residents of 60708
the county residing in state institutions or, before September 60709
29, 2011, placed under purchase of service agreements under 60710
section 5123.18 of the Revised Code, and children subject to a 60711
determination made pursuant to section 121.38 of the Revised 60712
Code. 60713

Each county board shall assess the facility and service 60714
needs of the individuals with developmental disabilities who are 60715
residents of the county or former residents of the county 60716
residing in state institutions or, before September 29, 2011, 60717
placed under purchase of service agreements under section 60718
5123.18 of the Revised Code. 60719

Each county board shall require individual habilitation or 60720
service plans for individuals with developmental disabilities 60721
who are being served or who have been determined eligible for 60722
services and are awaiting the provision of services. Each board 60723
shall ensure that methods of having their service needs 60724
evaluated are available. 60725

(B) (1) If a foster child is in need of assessment for 60726
eligible services or is receiving services from a county board 60727
of developmental disabilities and that child is placed in a 60728
different county, the agency that placed the child, immediately 60729
upon placement, shall inform the county board in the new county 60730
all of the following: 60731

(a) That a foster child has been placed in that county; 60732

(b) The name and other identifying information of the 60733
foster child; 60734

(c) The name of the foster child's previous county of 60735

residence; 60736

(d) That the foster child was in need of assessment for 60737
eligible services or was receiving services from the county 60738
board of developmental disabilities in the previous county. 60739

(2) Upon receiving the notice described in division (B) (1) 60740
of this section or otherwise learning that the child was in need 60741
of assessment for eligible services or was receiving services 60742
from a county board of developmental disabilities in the 60743
previous county, the county board in the new county shall 60744
communicate with the county board of the previous county to 60745
determine how services for the foster child shall be provided in 60746
accordance with each board's plan and priorities as described in 60747
division (A) of this section. 60748

If the two county boards are unable to reach an agreement 60749
within ten days of the child's placement, the county board in 60750
the new county shall send notice to the Ohio department of 60751
developmental disabilities of the failure to agree. The 60752
department shall decide how services shall be provided for the 60753
foster child within ten days of receiving notice that the county 60754
boards could not reach an agreement. The department may decide 60755
that one, or both, of the county boards shall provide services. 60756
The services shall be provided in accordance with the board's 60757
plan and priorities as described in division (A) of this 60758
section. 60759

(C) The department of developmental disabilities may adopt 60760
rules in accordance with Chapter 119. of the Revised Code as 60761
necessary to implement this section. To the extent that rules 60762
adopted under this section apply to the identification and 60763
placement of children with disabilities under Chapter 3323. of 60764
the Revised Code, the rules shall be consistent with the 60765

standards and procedures established under sections 3323.03 to 60766
3323.05 of the Revised Code. 60767

(D) The responsibility or authority of a county board to 60768
provide services under this chapter does not affect the 60769
responsibility of any other entity of state or local government 60770
to provide services to individuals with developmental 60771
disabilities. 60772

(E) On or before the first day of February prior to a 60773
school year, a county board of developmental disabilities may 60774
elect not to participate during that school year in the 60775
provision of or contracting for educational services for 60776
children ages six through twenty-one years of age, provided that 60777
on or before that date the board gives notice of this election 60778
to the ~~superintendent of public instruction~~director of education 60779
and workforce, each school district in the county, and the 60780
educational service center serving the county. If a board makes 60781
this election, it shall not have any responsibility for or 60782
authority to provide educational services that school year for 60783
children ages six through twenty-one years of age. If a board 60784
does not make an election for a school year in accordance with 60785
this division, the board shall be deemed to have elected to 60786
participate during that school year in the provision of or 60787
contracting for educational services for children ages six 60788
through twenty-one years of age. 60789

(F) If a county board of developmental disabilities elects 60790
to provide educational services during a school year to 60791
individuals six through twenty-one years of age who have 60792
multiple disabilities, the board may provide these services to 60793
individuals who are appropriately identified and determined 60794
eligible pursuant to Chapter 3323. of the Revised Code, and in 60795

accordance with applicable rules of the ~~state board department~~ 60796
of education and workforce. The county board may also provide 60797
related services to individuals six through twenty-one years of 60798
age who have one or more disabling conditions, in accordance 60799
with section 3317.20 and Chapter 3323. of the Revised Code and 60800
applicable rules of the ~~state board department~~ of education and 60801
workforce. 60802

Sec. 5126.05. (A) Subject to the rules established by the 60803
director of developmental disabilities pursuant to Chapter 119. 60804
of the Revised Code for programs and services offered pursuant 60805
to this chapter, and subject to the rules established by the 60806
~~state board department~~ of education and workforce pursuant to 60807
Chapter 119. of the Revised Code for programs and services 60808
offered pursuant to Chapter 3323. of the Revised Code, the 60809
county board of developmental disabilities shall: 60810

(1) Administer and operate facilities, programs, and 60811
services as provided by this chapter and Chapter 3323. of the 60812
Revised Code and establish policies for their administration and 60813
operation; 60814

(2) Coordinate, monitor, and evaluate existing services 60815
and facilities available to individuals with developmental 60816
disabilities; 60817

(3) Provide early childhood services, supportive home 60818
services, and adult services, according to the plan and 60819
priorities developed under section 5126.04 of the Revised Code; 60820

(4) Provide or contract for special education services 60821
pursuant to Chapters 3317. and 3323. of the Revised Code and 60822
ensure that related services, as defined in section 3323.01 of 60823
the Revised Code, are available according to the plan and 60824

- priorities developed under section 5126.04 of the Revised Code; 60825
- (5) Adopt a budget, authorize expenditures for the 60826
purposes specified in this chapter and do so in accordance with 60827
section 319.16 of the Revised Code, approve attendance of board 60828
members and employees at professional meetings and approve 60829
expenditures for attendance, and exercise such powers and duties 60830
as are prescribed by the director of developmental disabilities; 60831
- (6) Submit annual reports of its work and expenditures, 60832
pursuant to sections 3323.09 and 5126.131 of the Revised Code, 60833
to the director of developmental disabilities, the 60834
~~superintendent of public instruction~~ director of education and 60835
workforce, and the board of county commissioners at the close of 60836
the fiscal year and at such other times as may reasonably be 60837
requested; 60838
- (7) Authorize all positions of employment, establish 60839
compensation, including but not limited to salary schedules and 60840
fringe benefits for all board employees, approve contracts of 60841
employment for management employees that are for a term of more 60842
than one year, employ legal counsel under section 309.10 of the 60843
Revised Code, and contract for employee benefits. A county board 60844
may provide benefits through an individual or joint self- 60845
insurance program as provided under section 9.833 of the Revised 60846
Code. 60847
- (8) Provide service and support administration in 60848
accordance with section 5126.15 of the Revised Code; 60849
- (9) Certify respite care homes pursuant to rules adopted 60850
under section 5123.171 of the Revised Code by the director of 60851
developmental disabilities; 60852
- (10) Implement an employment first policy that clearly 60853

identifies community employment as the desired outcome for every individual of working age who receives services from the board;

(11) Set benchmarks for improving community employment outcomes.

(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.

(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the

purposes for which the board is established and hold, apply, and 60883
dispose of the moneys, lands, and property according to the 60884
terms of the gift, grant, devise, or bequest. All money received 60885
by gift, grant, bequest, or disposition of lands or property 60886
received by gift, grant, devise, or bequest shall be deposited 60887
in the county treasury to the credit of such board and shall be 60888
available for use by the board for purposes determined or stated 60889
by the donor or grantor, but may not be used for personal 60890
expenses of the board members. Any interest or earnings accruing 60891
from such gift, grant, devise, or bequest shall be treated in 60892
the same manner and subject to the same provisions as such gift, 60893
grant, devise, or bequest. 60894

(G) The board of county commissioners shall levy taxes and 60895
make appropriations sufficient to enable the county board of 60896
developmental disabilities to perform its functions and duties, 60897
and may utilize any available local, state, and federal funds 60898
for such purpose. 60899

Sec. 5126.23. (A) As used in this section, "employee" 60900
means a management employee or superintendent of a county board 60901
of -developmental disabilities. 60902

(B) An employee may be removed, suspended, or demoted in 60903
accordance with this section for violation of written rules set 60904
forth by the board or for incompetency, inefficiency, 60905
dishonesty, drunkenness, immoral conduct, insubordination, 60906
discourteous treatment of the public, neglect of duty, or other 60907
acts of misfeasance, malfeasance, or nonfeasance. 60908

(C) Prior to the removal, suspension, or demotion of an 60909
employee pursuant to this section, the employee shall be 60910
notified in writing of the charges against the employee. Except 60911
as otherwise provided in division (H) of this section, not later 60912

than thirty days after receiving such notification, a 60913
predisciplinary conference shall be held to provide the employee 60914
an opportunity to refute the charges against the employee. At 60915
least seventy-two hours prior to the conference, the employee 60916
shall be given a copy of the charges against the employee. 60917

If the removal, suspension, or demotion action is directed 60918
against a management employee, the conference shall be held by 60919
the superintendent or a person the superintendent designates, 60920
and the superintendent shall notify the management employee 60921
within fifteen days after the conference of the decision made 60922
with respect to the charges. If the removal, suspension, or 60923
demotion action is directed against a superintendent, the 60924
conference shall be held by the members of the board or their 60925
designees, and the board shall notify the superintendent within 60926
fifteen days after the conference of its decision with respect 60927
to the charges. 60928

(D) Within fifteen days after receiving notification of 60929
the results of the predisciplinary conference, an employee may 60930
file with the board a written demand for a hearing before the 60931
board or before a referee, and the board shall set a time for 60932
the hearing which shall be within thirty days from the date of 60933
receipt of the written demand, and the board shall give the 60934
employee at least twenty days notice in writing of the time and 60935
place of the hearing. 60936

(E) If a referee is demanded by an employee or a county 60937
board, the hearing shall be conducted by a referee selected in 60938
accordance with division (F) of this section; otherwise, it 60939
shall be conducted by a majority of the members of the board and 60940
shall be confined to the charges enumerated at the 60941
predisciplinary conference. 60942

(F) Referees for the hearings required by this section 60943
shall be selected from the list of names compiled by the 60944
~~superintendent of public instruction~~ director of education and 60945
workforce pursuant to section 3319.161 of the Revised Code. Upon 60946
receipt of notice that a referee has been demanded by an 60947
employee or a county board, the ~~superintendent of public~~ 60948
~~instruction~~ director shall immediately designate three persons 60949
from such list, from whom the referee for the hearing shall be 60950
chosen, and the ~~superintendent of public instruction~~ director 60951
shall immediately notify the designees, the county board, and 60952
the employee. If within five days of receipt of the notice, the 60953
county board and employee are unable to agree upon one of the 60954
designees to serve as referee, the ~~superintendent of public~~ 60955
~~instruction~~ director shall appoint one of the designees to serve 60956
as referee. The appointment of the referee shall be entered in 60957
the minutes of the county board. The referee appointed shall be 60958
paid the referee's usual and customary fee for attending the 60959
hearing which shall be paid from the general fund of the county 60960
board of developmental disabilities. 60961

(G) The board shall provide for a complete stenographic 60962
record of the proceedings, and a copy of the record shall be 60963
furnished to the employee. 60964

Both parties may be present at the hearing, be represented 60965
by counsel, require witnesses to be under oath, cross-examine 60966
witnesses, take a record of the proceedings, and require the 60967
presence of witnesses in their behalf upon subpoena to be issued 60968
by the county board. If any person fails to comply with a 60969
subpoena, a judge of the court of common pleas of the county in 60970
which the person resides, upon application of any interested 60971
party, shall compel attendance of the person by attachment 60972
proceedings as for contempt. Any member of the board or the 60973

referee may administer oaths to witnesses. After a hearing by a referee, the referee shall file a report within ten days after the termination of the hearing. After consideration of the referee's report, the board, by a majority vote, may accept or reject the referee's recommendation. After a hearing by the board, the board, by majority vote, may enter its determination upon its minutes. If the decision, after hearing, is in favor of the employee, the charges and the record of the hearing shall be physically expunged from the minutes and, if the employee has suffered any loss of salary by reason of being suspended, the employee shall be paid the employee's full salary for the period of such suspension.

Any employee affected by a determination of the board under this division may appeal to the court of common pleas of the county in which the board is located within thirty days after receipt of notice of the entry of such determination. The appeal shall be an original action in the court and shall be commenced by the filing of a complaint against the board, in which complaint the facts shall be alleged upon which the employee relies for a reversal or modification of such determination. Upon service or waiver of summons in that appeal, the board immediately shall transmit to the clerk of the court for filing a transcript of the original papers filed with the board, a certified copy of the minutes of the board into which the determination was entered, and a certified transcript of all evidence adduced at the hearing or hearings before the board or a certified transcript of all evidence adduced at the hearing or hearings before the referee, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing and shall hold such additional hearings as it

considers advisable, at which it may consider other evidence in 61005
addition to the transcript and record. 61006

Upon final hearing, the court shall grant or deny the 61007
relief prayed for in the complaint as may be proper in 61008
accordance with the evidence adduced in the hearing. Such an 61009
action is a special proceeding, and either the employee or the 61010
board may appeal from the decision of the court of common pleas 61011
pursuant to the Rules of Appellate Procedure and, to the extent 61012
not in conflict with those rules, Chapter 2505. of the Revised 61013
Code. 61014

(H) Notwithstanding divisions (C) to (G) of this section, 61015
a county board and an employee may agree to submit issues 61016
regarding the employee's removal, suspension, or demotion to 61017
binding arbitration. The terms of the submission, including the 61018
method of selecting the arbitrator or arbitrators and the 61019
responsibility for compensating the arbitrator, shall be 61020
provided for in the arbitration agreement. The arbitrator shall 61021
be selected within fifteen days of the execution of the 61022
agreement. Chapter 2711. of the Revised Code governs the 61023
arbitration proceedings. 61024

Sec. 5126.24. (A) As used in this section: 61025

(1) "License" means an educator license issued by the 61026
state board of education under section 3319.22 of the Revised 61027
Code or a certificate issued by the department of developmental 61028
disabilities. 61029

(2) "Teacher" means a person employed by a county board of 61030
developmental disabilities in a position that requires a 61031
license. 61032

(3) "Nonteaching employee" means a person employed by a 61033

county board of developmental disabilities in a position that 61034
does not require a license. 61035

(4) "Years of service" includes all service described in 61036
division (A) of section 3317.13 of the Revised Code. 61037

(B) Subject to rules established by the director of 61038
developmental disabilities pursuant to Chapter 119. of the 61039
Revised Code, each county board of developmental disabilities 61040
shall annually adopt separate salary schedules for teachers and 61041
nonteaching employees. 61042

(C) The teachers' salary schedule shall provide for 61043
increments based on training and years of service. The board may 61044
establish its own service requirements provided no teacher 61045
receives less than the salary the teacher would be paid under 61046
section 3317.13 of the Revised Code if the teacher were employed 61047
by a school district board of education and provided full credit 61048
for a minimum of five years of actual teaching and military 61049
experience as defined in division (A) of such section is given 61050
to each teacher. 61051

Each teacher who has completed training that would qualify 61052
the teacher for a higher salary bracket pursuant to this section 61053
shall file by the fifteenth day of September with the fiscal 61054
officer of the board, satisfactory evidence of the completion of 61055
such additional training. The fiscal officer shall then 61056
immediately place the teacher, pursuant to this section, in the 61057
proper salary bracket in accordance with training and years of 61058
service. No teacher shall be paid less than the salary to which 61059
the teacher would be entitled under section 3317.13 of the 61060
Revised Code if the teacher were employed by a school district 61061
board of education. 61062

The superintendent of each county board, on or before the
fifteenth day of October of each year, shall certify to the
state board of education and the department of education and
workforce the name of each teacher employed, on an annual
salary, in each special education program operated pursuant to
section 3323.09 of the Revised Code during the first full school
week of October. The superintendent further shall certify, for
each teacher, the number of years of training completed at a
recognized college, the degrees earned from a college recognized
by the ~~state board~~ department of education and workforce, the
type of license held, the number of months employed by the
board, the annual salary, and other information that the ~~state
board~~ department may request.

(D) The nonteaching employees' salary schedule established
by the board shall be based on training, experience, and
qualifications with initial salaries no less than salaries in
effect on July 1, 1985. Each board shall prepare and may amend
from time to time, specifications descriptive of duties,
responsibilities, requirements, and desirable qualifications of
the classifications of employees required to perform the duties
specified in the salary schedule. All nonteaching employees
shall be notified of the position classification to which they
are assigned and the salary for the classification. The
compensation of all nonteaching employees working for a
particular board shall be uniform for like positions except as
compensation would be affected by salary increments based upon
length of service.

On the fifteenth day of October of each year the
nonteaching employees' salary schedule and list of job
classifications and salaries in effect on that date shall be
filed by each board with the superintendent of public

instruction and the department. If such salary schedule and 61094
classification plan is not filed, the ~~superintendent of public~~ 61095
~~instruction~~ director of education and workforce shall order the 61096
board to file such schedule and list forthwith. If this 61097
condition is not corrected within ten days after receipt of the 61098
order from the ~~superintendent~~ director, no money shall be 61099
distributed to the board under Chapter 3317. of the Revised Code 61100
until the ~~superintendent~~ director has satisfactory evidence of 61101
the board's full compliance with such order. 61102

Sec. 5139.34. (A) Funds may be appropriated to the 61103
department of youth services for the purpose of granting state 61104
subsidies to counties. A county or the juvenile court that 61105
serves a county shall use state subsidies granted to the county 61106
pursuant to this section only in accordance with divisions (B) 61107
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 61108
rules pertaining to the state subsidy funds that the department 61109
adopts pursuant to division (D) of section 5139.04 of the 61110
Revised Code. The department shall not grant financial 61111
assistance pursuant to this section for the provision of care 61112
and services for children in a placement facility unless the 61113
facility has been certified, licensed, or approved by a state or 61114
national agency with certification, licensure, or approval 61115
authority, including, but not limited to, the department of job 61116
and family services, department of education and workforce, 61117
department of mental health and addiction services, department 61118
of developmental disabilities, or American correctional 61119
association. For the purposes of this section, placement 61120
facilities do not include a state institution or a county or 61121
district children's home. 61122

The department also shall not grant financial assistance 61123
pursuant to this section for the provision of care and services 61124

for children, including, but not limited to, care and services 61125
in a detention facility, in another facility, or in out-of-home 61126
placement, unless the minimum standards applicable to the care 61127
and services that the department prescribes in rules adopted 61128
pursuant to division (D) of section 5139.04 of the Revised Code 61129
have been satisfied. 61130

(B) The department of youth services shall apply the 61131
following formula to determine the amount of the annual grant 61132
that each county is to receive pursuant to division (A) of this 61133
section, subject to the appropriation for this purpose to the 61134
department made by the general assembly: 61135

(1) Each county shall receive a basic annual grant of 61136
fifty thousand dollars. 61137

(2) The sum of the basic annual grants provided under 61138
division (B) (1) of this section shall be subtracted from the 61139
total amount of funds appropriated to the department of youth 61140
services for the purpose of making grants pursuant to division 61141
(A) of this section to determine the remaining portion of the 61142
funds appropriated. The remaining portion of the funds 61143
appropriated shall be distributed on a per capita basis to each 61144
county that has a population of more than twenty-five thousand 61145
for that portion of the population of the county that exceeds 61146
twenty-five thousand. 61147

(C) (1) Prior to a county's receipt of an annual grant 61148
pursuant to this section, the juvenile court that serves the 61149
county shall prepare, submit, and file in accordance with 61150
division (B) (3) (a) of section 5139.43 of the Revised Code an 61151
annual grant agreement and application for funding that is for 61152
the combined purposes of, and that satisfies the requirements 61153
of, this section and section 5139.43 of the Revised Code. In 61154

addition to the subject matters described in division (B) (3) (a) 61155
of section 5139.43 of the Revised Code or in the rules that the 61156
department adopts to implement that division, the annual grant 61157
agreement and application for funding shall address fiscal 61158
accountability and performance matters pertaining to the 61159
programs, care, and services that are specified in the agreement 61160
and application and for which state subsidy funds granted 61161
pursuant to this section will be used. 61162

(2) The county treasurer of each county that receives an 61163
annual grant pursuant to this section shall deposit the state 61164
subsidy funds so received into the county's felony delinquent 61165
care and custody fund created pursuant to division (B) (1) of 61166
section 5139.43 of the Revised Code. Subject to exceptions 61167
prescribed in section 5139.43 of the Revised Code that may apply 61168
to the disbursement, the department shall disburse the state 61169
subsidy funds to which a county is entitled in a lump sum 61170
payment that shall be made in July of each calendar year. 61171

(3) Upon an order of the juvenile court that serves a 61172
county and subject to appropriation by the board of county 61173
commissioners of that county, a county treasurer shall disburse 61174
from the county's felony delinquent care and custody fund the 61175
state subsidy funds granted to the county pursuant to this 61176
section for use only in accordance with this section, the 61177
applicable provisions of section 5139.43 of the Revised Code, 61178
and the county's approved annual grant agreement and application 61179
for funding. 61180

(4) The moneys in a county's felony delinquent care and 61181
custody fund that represent state subsidy funds granted pursuant 61182
to this section are subject to appropriation by the board of 61183
county commissioners of the county; shall be disbursed by the 61184

county treasurer as required by division (C) (3) of this section; 61185
shall be used in the manners referred to in division (C) (3) of 61186
this section; shall not revert to the county general fund at the 61187
end of any fiscal year; shall carry over in the felony 61188
delinquent care and custody fund from the end of any fiscal year 61189
to the next fiscal year; shall be in addition to, and shall not 61190
be used to reduce, any usual annual increase in county funding 61191
that the juvenile court is eligible to receive or the current 61192
level of county funding of the juvenile court and of any 61193
programs, care, or services for alleged or adjudicated 61194
delinquent children, unruly children, or juvenile traffic 61195
offenders or for children who are at risk of becoming delinquent 61196
children, unruly children, or juvenile traffic offenders; and 61197
shall not be used to pay for the care and custody of felony 61198
delinquents who are in the care and custody of an institution 61199
pursuant to a commitment, recommitment, or revocation of a 61200
release on parole by the juvenile court of that county or who 61201
are in the care and custody of a community corrections facility 61202
pursuant to a placement by the department as described in 61203
division (E) of section 5139.36 of the Revised Code. 61204

(5) As a condition of the continued receipt of state 61205
subsidy funds pursuant to this section, each county and the 61206
juvenile court that serves each county that receives an annual 61207
grant pursuant to this section shall comply with divisions (B) 61208
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 61209

Sec. 5145.06. (A) The department of rehabilitation and 61210
correction shall establish and operate a school system that is 61211
approved and chartered by the department of education and 61212
workforce and designated as the Ohio central school system to 61213
serve all of the correctional institutions under its control. 61214
The Ohio central school system shall provide educational 61215

programs for prisoners to allow them to complete adult basic 61216
education courses, earn Ohio certificates of high school 61217
equivalence, or pursue vocational training. To that end, the 61218
department may employ appropriately certified teachers, 61219
administrators, and support staff. The department shall provide 61220
classrooms, shops, and other appropriate facilities and 61221
necessary furniture, books, stationery, supplies, and equipment. 61222

(B) (1) The department of rehabilitation and correction 61223
shall require each prisoner who has not obtained a high school 61224
diploma to take courses leading toward an Ohio certificate of 61225
high school equivalence, an Ohio high school diploma pursuant to 61226
section 3313.61 of the Revised Code, or courses that provide 61227
vocational training. If a prisoner has obtained a high school 61228
diploma, the department shall encourage the prisoner to 61229
participate in a program of advanced studies or training for a 61230
skilled trade. 61231

(2) The department of rehabilitation and correction shall 61232
adopt rules that prescribe disciplinary actions that the 61233
department may take if a prisoner refuses to participate in an 61234
educational program required under division (B) (1) of this 61235
section. 61236

(3) The failure of the department of rehabilitation and 61237
correction to provide, pursuant to division (B) (1) of this 61238
section, an opportunity for any prisoner to participate in 61239
courses that lead toward an Ohio certificate of high school 61240
equivalence or an Ohio high school diploma, or that provide 61241
vocational training, does not give rise to a claim for damages 61242
against the department. 61243

(C) The department of rehabilitation and correction, for a 61244
clearly established medical, mental health, or security reason, 61245

may exclude certain prisoners from the requirement to take 61246
courses pursuant to division (B) (1) of this section. Any 61247
exclusion under this division shall be only for a clearly 61248
established medical, mental health, or security reason. Within 61249
six months after ~~the effective date of this amendment~~ March 31, 61250
2003, the department shall adopt rules pursuant to Chapter 119. 61251
of the Revised Code to establish the criteria and procedures for 61252
an exclusion under this division. 61253

Sec. 5162.363. The department of medicaid shall enter into 61254
an interagency agreement with the department of education and 61255
workforce under section 5162.35 of the Revised Code that 61256
provides for the department of education and workforce to 61257
administer the medicaid school component of the medicaid program 61258
other than the aspects of the component that sections 5162.36 to 61259
5162.366 of the Revised Code require the department of medicaid 61260
to administer. The interagency agreement may include a provision 61261
that provides for the department of education and workforce to 61262
pay to the department of medicaid the nonfederal share of a 61263
portion of the administrative expenses the department of 61264
medicaid incurs in administering the aspects of the component 61265
that the department of medicaid administers. 61266

To the extent authorized by rules authorized by section 61267
5162.021 of the Revised Code, the department of education and 61268
workforce shall adopt rules establishing a process by which 61269
qualified medicaid school providers participating in the 61270
medicaid school component pay to the department of education and 61271
workforce the nonfederal share of the department's expenses 61272
incurred in administering the component. The rules shall be 61273
adopted in accordance with Chapter 119. of the Revised Code. 61274

Sec. 5162.365. (A) A qualified medicaid school provider is 61275

solely responsible for timely repaying any overpayment that the provider receives under the medicaid school component of the medicaid program and that is discovered by a federal or state audit. This is the case regardless of whether the audit's finding identifies the provider, department of medicaid, or department of education and workforce as being responsible for the overpayment.

(B) The department of medicaid shall not do any of the following regarding an overpayment for which a qualified medicaid school provider is responsible for repaying:

(1) Make a payment to the federal government to meet or delay the provider's repayment obligation;

(2) Assume the provider's repayment obligation;

(3) Forgive the provider's repayment obligation.

(C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component.

Sec. 5502.262. (A) As used in this section:

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

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

(b) A community school established under Chapter 3314. of

the Revised Code, as required through reference in division (A)	61304
(11) (d) of section 3314.03 of the Revised Code;	61305
(c) A STEM school established under Chapter 3326. of the	61306
Revised Code, as required through reference in section 3326.11	61307
of the Revised Code;	61308
(d) A college-preparatory boarding school established	61309
under Chapter 3328. of the Revised Code;	61310
(e) A district or school operating a career-technical	61311
education program approved by the department of education <u>and</u>	61312
<u>workforce</u> under section 3317.161 of the Revised Code;	61313
(f) A chartered nonpublic school;	61314
(g) An educational service center;	61315
(h) A preschool program or school-age child care program	61316
licensed by the department of education <u>and workforce</u> ;	61317
(i) Any other facility that primarily provides educational	61318
services to children subject to regulation by the department of	61319
education <u>and workforce</u> .	61320
(2) "Emergency management test" means a regularly	61321
scheduled drill, exercise, or activity designed to assess and	61322
evaluate an emergency management plan under this section.	61323
(3) "Building" means any school, school building,	61324
facility, program, or center.	61325
(4) "Regional mobile training officer" means the regional	61326
mobile training officer appointed under section 5502.70 of the	61327
Revised Code for the region in which a district, school, center,	61328
program, or facility is located.	61329
(B) (1) Each administrator shall develop and adopt a	61330

comprehensive emergency management plan, in accordance with 61331
rules adopted pursuant to division (F) of this section, for each 61332
building under the administrator's control. The administrator 61333
shall examine the environmental conditions and operations of 61334
each building to determine potential hazards to student and 61335
staff safety and shall propose operating changes to promote the 61336
prevention of potentially dangerous problems and circumstances. 61337
In developing the plan for each building, the administrator 61338
shall involve community law enforcement and safety officials, 61339
parents of students who are assigned to the building, and 61340
teachers and nonteaching employees who are assigned to the 61341
building. The administrator may involve the regional mobile 61342
training officer in the development of the plan. The 61343
administrator shall incorporate remediation strategies into the 61344
plan for any building where documented safety problems have 61345
occurred. 61346

(2) Each administrator shall also incorporate into the 61347
emergency management plan adopted under division (B)(1) of this 61348
section all of the following: 61349

(a) A protocol for addressing serious threats to the 61350
safety of property, students, employees, or administrators; 61351

(b) A protocol for responding to any emergency events that 61352
occur and compromise the safety of property, students, 61353
employees, or administrators. This protocol shall include, but 61354
not be limited to, all of the following: 61355

(i) A floor plan that is unique to each floor of the 61356
building; 61357

(ii) A site plan that includes all building property and 61358
surrounding property; 61359

(iii) An emergency contact information sheet. 61360

(c) A threat assessment plan developed as prescribed in 61361
section 5502.263 of the Revised Code. A building may use the 61362
model plan developed by the department of public safety under 61363
that section; 61364

(d) A protocol for school threat assessment teams 61365
established under section 3313.669 of the Revised Code. 61366

(3) Each protocol described in division (B) of this 61367
section shall include procedures determined to be appropriate by 61368
the administrator for responding to threats and emergency 61369
events, respectively, including such things as notification of 61370
appropriate law enforcement personnel, calling upon specified 61371
emergency response personnel for assistance, and informing 61372
parents of affected students. 61373

Prior to the opening day of each school year, the 61374
administrator shall inform each student or child enrolled in the 61375
school and the student's or child's parent of the parental 61376
notification procedures included in the protocol. 61377

(4) Each administrator shall keep a copy of the emergency 61378
management plan adopted pursuant to this section in a secure 61379
place. 61380

(C) (1) The administrator shall submit to the director of 61381
public safety, in accordance with rules adopted pursuant to 61382
division (F) of this section, an electronic copy of the 61383
emergency management plan prescribed by division (B) of this 61384
section not less than once every three years, whenever a major 61385
modification to the building requires changes in the procedures 61386
outlined in the plan, and whenever information on the emergency 61387
contact information sheet changes. 61388

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

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

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

(c) The county emergency management agency for the county in which the building is located;

(d) The regional mobile training officer.

(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.

(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.

(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.

(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 61417
director and to any entity with which the administrator filed a 61418
copy under division (C) (2) of this section. 61419

(E) Each administrator shall do both of the following: 61420

(1) Prepare and conduct at least one annual emergency 61421
management test, as defined in division (A) (2) of this section, 61422
in accordance with rules adopted pursuant to division (F) of 61423
this section; 61424

(2) Grant access to each building under the control of the 61425
administrator to law enforcement personnel and to entities 61426
described in division (C) (2) of this section, to enable the 61427
personnel and entities to hold training sessions for responding 61428
to threats and emergency events affecting the building, provided 61429
that the access occurs outside of student instructional hours 61430
and the administrator, or the administrator's designee, is 61431
present in the building during the training sessions. 61432

(F) The director of public safety, in consultation with 61433
representatives from the education community and in accordance 61434
with Chapter 119. of the Revised Code, shall adopt rules 61435
regarding emergency management plans under this section, 61436
including the content of the plans and procedures for filing the 61437
plans. The rules shall specify that plans and information 61438
required under division (B) of this section be submitted on 61439
standardized forms developed by the director for such purpose. 61440
The rules shall also specify the requirements and procedures for 61441
emergency management tests conducted pursuant to division (E) (1) 61442
of this section. Failure to comply with the rules may result in 61443
discipline pursuant to section 3319.31 of the Revised Code or 61444
any other action against the administrator as prescribed by 61445
rule. 61446

(G) Division (B) of section 3319.31 of the Revised Code 61447
applies to any administrator who is subject to the requirements 61448
of this section and is not exempt under division (H) of this 61449
section and who is an applicant for a license or holds a license 61450
from the state board of education pursuant to section 3319.22 of 61451
the Revised Code. 61452

(H) (1) The director may exempt any administrator from the 61453
requirements of this section, if the director determines that 61454
the requirements do not otherwise apply to a building or 61455
buildings under the control of that administrator. 61456

(2) The director shall exempt from the requirements of 61457
this section the administrator of an online learning school, 61458
established under section 3302.42 of the Revised Code, unless 61459
students of that school participate in in-person instruction or 61460
assessments at a location that is not covered by an existing 61461
emergency management plan, developed under this section as of 61462
December 14, 2021. 61463

(I) Copies of the emergency management plan and 61464
information required under division (B) of this section are 61465
security records and are not public records pursuant to section 61466
149.433 of the Revised Code. In addition, the information posted 61467
to the contact and information management system, pursuant to 61468
division (C) (3) (b) of this section, is exempt from public 61469
disclosure or release in accordance with sections 149.43, 61470
149.433, and 5502.03 of the Revised Code. 61471

Notwithstanding section 149.433 of the Revised Code, a 61472
floor plan filed with the attorney general pursuant to this 61473
section is not a public record to the extent it is a record kept 61474
by the attorney general. 61475

Sec. 5502.263. (A) As used in this section, "evidence-based" means a program or practice that does either of the following:

(1) Demonstrates a rationale based on high-quality research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice;

(2) Has a statistically significant effect on relevant outcomes based on:

(a) Strong evidence from at least one well-designed and well-implemented experimental study;

(b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.

(B) Not later than two years after ~~the effective date of this section~~ March 24, 2021, the department of public safety, in consultation with the department of education and workforce and the attorney general, shall develop a model threat assessment plan that may be used in a building's emergency management plan developed under section 5502.262 of the Revised Code. The model plan shall do at least the following:

(1) Identify the types of threatening behavior that may represent a physical threat to a school community;

(2) Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;

(3) Establish threat assessment guidelines including 61504
identification, evaluation of seriousness of threat or danger, 61505
intervention to reduce potential violence, and follow-up to 61506
assess intervention results; 61507

(4) Establish guidelines for coordinating with local law 61508
enforcement agencies and reports collected through the 61509
district's chosen anonymous reporting program under section 61510
3313.6610 of the Revised Code and identify a point of contact 61511
within each agency; 61512

(5) Conform with all other specifications in a school's 61513
emergency management plan developed under section 5502.262 of 61514
the Revised Code. 61515

Evidence-based threat assessment processes or best 61516
practice threat assessment guidelines created by the national 61517
threat assessment center shall be a resource when developing the 61518
model threat assessment plan. 61519

(C) Not later than two years after ~~the effective date of~~ 61520
~~this section~~ March 24, 2021, the department of public safety, in 61521
consultation with the department of education and workforce and 61522
the attorney general, shall develop and maintain a list of 61523
approved training programs for completion by school threat 61524
assessment team members prescribed in section 3313.669 of the 61525
Revised Code, one of which must be free or of no cost to 61526
schools. Each program approved under this section must be an 61527
evidence-based program that provides instruction in the 61528
following: 61529

(1) Identifying behaviors, signs, and threats that may 61530
lead to a violent act; 61531

(2) Determining the seriousness of a threat; 61532

(3) Developing intervention plans that protect the 61533
potential victims and address the underlying problem or conflict 61534
that initiated the behavior and assessments of plan results. 61535

Completion of an approved program under this section shall 61536
fulfill the training requirements prescribed under section 61537
3313.669 of the Revised Code. 61538

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 61539
and 125.14 of the Revised Code, the director of transportation 61540
may sell, transfer, or otherwise dispose of any item of personal 61541
property that is not needed by the department of transportation. 61542
The director may exchange any such item, in the manner provided 61543
for in this chapter, and pay the balance of the cost of such new 61544
item from funds appropriated to the department. The director 61545
also may accept a credit voucher or cash in an amount mutually 61546
agreed upon between a vendor and the department. The director 61547
shall apply the amount of any credit voucher to future purchases 61548
from that vendor and shall deposit any cash into the state 61549
treasury to the credit of the highway operating fund created in 61550
section 5735.051 of the Revised Code. 61551

(B) (1) The director may sell or transfer any structure, 61552
machinery, tools, equipment, parts, material, office furniture, 61553
or supplies unfit for use or not needed by the department of 61554
transportation to any agency of the state or a political 61555
subdivision of the state without notice of the proposed disposal 61556
and upon any mutually agreed upon terms. 61557

(2) Before selling any passenger vehicle, van, truck, 61558
trailer, or other heavy equipment, the director shall notify 61559
each county, municipal corporation, township, and school 61560
district of the sale. The director shall similarly notify the 61561
board of trustees of any regional water and sewer district 61562

established under Chapter 6119. of the Revised Code, when the 61563
board has forwarded to the director the district's name and 61564
current business address. For the purposes of this division, the 61565
name and current business address of a regional water and sewer 61566
district shall be forwarded to the director once each year 61567
during any year in which the board wishes the notification to be 61568
given. The notice required by this division may be given by the 61569
most economical means considered to be effective. If after seven 61570
days following mailing or other issuance of the director's 61571
notice, no county, municipal corporation, township, regional 61572
water and sewer district, educational service center, or school 61573
district has notified the director that it wishes to purchase 61574
any such vehicle or other heavy equipment, the director may 61575
proceed with the sale under division (C) of this section. 61576

In the discretion of the director, the director may 61577
transfer any vehicle or other heavy equipment that is unfit for 61578
use or not needed by the department to any agency of the state 61579
or political subdivision of the state without advertising for 61580
bids and upon mutually agreed upon terms. 61581

(3) The director may sell or otherwise dispose of any 61582
structure or structural materials salvaged on the state highway 61583
system that in the director's judgment are no longer needed by 61584
the department, or that, through wear or obsolescence, have 61585
become unfit for use. The director may transfer the structure or 61586
materials to counties, municipal corporations, school districts, 61587
or other political subdivisions without advertising for bids and 61588
upon mutually agreed upon terms. The director may transfer the 61589
structure or structural materials to a nonprofit corporation 61590
upon being furnished a copy of a contract between the nonprofit 61591
corporation and a county, municipal corporation, or other 61592
political subdivision to which the structure is to be moved 61593

pursuant to which the nonprofit corporation must make the 61594
structure or structural materials available for rent or sale 61595
within a period of three months after becoming available for 61596
occupancy to an individual or family which has been displaced by 61597
governmental action or which occupies substandard housing as 61598
certified by such political subdivision, without advertising for 61599
bids. Any such transfers shall be for such consideration as 61600
shall be determined by the director to be fair and reasonable, 61601
and shall be upon such terms and specifications with respect to 61602
performance and indemnity as shall be determined necessary by 61603
the director. 61604

When, in carrying out an improvement that replaces any 61605
structure or structural materials, it is advantageous to dispose 61606
of the structure or structural materials by providing in the 61607
contract for the improvement that the structure or structural 61608
materials, or any part thereof, shall become the property of the 61609
contractor, the director may so proceed. 61610

(C) (1) Any item that has not been sold or transferred as 61611
provided in division (B) of this section may be sold at a public 61612
sale, as determined by the director. The director may authorize 61613
such sale by the deputy directors of transportation, and the 61614
proceedings of such sale shall be conducted in the same manner 61615
as provided for sales by the director. The director may 61616
establish a minimum price for any item to be sold and may 61617
establish any other terms, conditions, and manner for the sale 61618
of a particular item, which may be on any basis the director 61619
determines to be most advantageous to the department. The 61620
director may reject any offer or bid for an item. The director 61621
may remove any item from a sale if it develops that a public 61622
authority has a use for the item. In any notice of a sale, the 61623
director shall include a brief description of the item to be 61624

sold, the terms and conditions of the sale, and a statement of 61625
the time, place, and manner of the sale. 61626

(2) (a) If, in the opinion of the director, any item to be 61627
sold has an estimated fair market value in excess of one 61628
thousand dollars, the director shall post a notice of the sale, 61629
for not less than ten days, on the official web site of the 61630
department. If the district where the property is located 61631
maintains a web site, notice of the sale also shall be posted on 61632
that web site. At least ten days before the sale, the director 61633
also shall publish one notice of the sale in a periodical or 61634
newspaper of general circulation in the region in which the 61635
items are located. A sale under division (C) (2) (a) of this 61636
section shall be made to the highest responsible bidder. 61637

(b) If, in the opinion of the director, any item to be 61638
sold has an estimated fair market value of one thousand dollars 61639
or less, the director is not required to advertise the proposed 61640
sale except by notice posted on the official web site of the 61641
department. The notice shall be posted for at least five working 61642
days. A sale under division (C) (2) (b) of this section shall be 61643
made to the highest responsible bidder. 61644

(D) Proceeds of any sale described in this section shall 61645
be paid into the state treasury to the credit of the highway 61646
operating fund or any other fund of the department as determined 61647
by the director. 61648

(E) Once each year, the ~~state board~~ department of 61649
education and workforce shall provide the director with a 61650
current list of the addresses of all school districts and 61651
educational service centers in the state. 61652

(F) As used in this section: 61653

(1) "Personal property" means any structure or structural material, machinery, tools, equipment, parts, material, office furniture, supplies, passenger vehicle, van, truck, trailer, or other heavy equipment of the department;

(2) "School district" means any city school district, local school district, exempted village school district, cooperative education school district, and joint vocational school district, as defined in Chapter 3311. of the Revised Code.

(3) "Sale" means fixed price sale, live or internet auction, or any other type of sale determined by the director.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B) (1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A) (7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information

in the possession of the department to the extent that the 61684
access and examination are necessary for purposes of the audit. 61685
Any information acquired as the result of that access and 61686
examination shall not be divulged for any purpose other than as 61687
required for the audit or unless the officers and employees are 61688
required to testify in a court or proceeding under compulsion of 61689
legal process. Whoever violates this provision shall thereafter 61690
be disqualified from acting as an officer or employee or in any 61691
other capacity under appointment or employment of the auditor of 61692
state. 61693

(2) For purposes of an internal audit pursuant to section 61694
126.45 of the Revised Code, the officers and employees of the 61695
office of internal audit in the office of budget and management 61696
charged with directing the internal audit shall have access to 61697
and the right to examine any state tax returns and state tax 61698
return information in the possession of the department to the 61699
extent that the access and examination are necessary for 61700
purposes of the internal audit. Any information acquired as the 61701
result of that access and examination shall not be divulged for 61702
any purpose other than as required for the internal audit or 61703
unless the officers and employees are required to testify in a 61704
court or proceeding under compulsion of legal process. Whoever 61705
violates this provision shall thereafter be disqualified from 61706
acting as an officer or employee or in any other capacity under 61707
appointment or employment of the office of internal audit. 61708

(3) As provided by section 6103(d)(2) of the Internal 61709
Revenue Code, any federal tax returns or federal tax information 61710
that the department has acquired from the internal revenue 61711
service, through federal and state statutory authority, may be 61712
disclosed to the auditor of state or the office of internal 61713
audit solely for purposes of an audit of the department. 61714

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;

- (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 61744
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- (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 61753
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- (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 61756
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- (10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 61761
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- (11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 61763
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- (12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce 61768
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Chapter 1509. of the Revised Code; 61773

(13) Disclosing to the department of job and family 61774
services, industrial commission, and bureau of workers' 61775
compensation information in the possession of the department of 61776
taxation solely for the purpose of identifying employers that 61777
misclassify employees as independent contractors or that fail to 61778
properly report and pay employer tax liabilities. The department 61779
of taxation shall disclose only such information that is 61780
necessary to verify employer compliance with law administered by 61781
those agencies. 61782

(14) Disclosing to the Ohio casino control commission 61783
information in the possession of the department of taxation that 61784
is necessary to verify a casino operator's or sports gaming 61785
proprietor's compliance with section 5747.063, 5753.02, or 61786
5753.021 of the Revised Code and sections related thereto; 61787

(15) Disclosing to the state lottery commission 61788
information in the possession of the department of taxation that 61789
is necessary to verify a lottery sales agent's compliance with 61790
section 5747.064 of the Revised Code. 61791

(16) Disclosing to the department of development 61792
information in the possession of the department of taxation that 61793
is necessary to ensure compliance with the laws of this state 61794
governing taxation and to verify information reported to the 61795
department of development for the purpose of evaluating 61796
potential tax credits, tax deductions, grants, or loans. Such 61797
information shall not include information received from the 61798
internal revenue service the disclosure of which is prohibited 61799
by section 6103 of the Internal Revenue Code. No officer, 61800
employee, or agent of the department of development shall 61801
disclose any information provided to the department of 61802

development by the department of taxation under division (C) (16) 61803
of this section except when disclosure of the information is 61804
necessary for, and made solely for the purpose of facilitating, 61805
the evaluation of potential tax credits, tax deductions, grants, 61806
or loans. 61807

(17) Disclosing to the department of insurance information 61808
in the possession of the department of taxation that is 61809
necessary to ensure a taxpayer's compliance with the 61810
requirements with any tax credit administered by the department 61811
of development and claimed by the taxpayer against any tax 61812
administered by the superintendent of insurance. No officer, 61813
employee, or agent of the department of insurance shall disclose 61814
any information provided to the department of insurance by the 61815
department of taxation under division (C) (17) of this section. 61816

(18) Disclosing to the division of liquor control 61817
information in the possession of the department of taxation that 61818
is necessary for the division and department to comply with the 61819
requirements of sections 4303.26 and 4303.271 of the Revised 61820
Code. 61821

(19) Disclosing to the department of education and 61822
workforce, upon that department's request, information in the 61823
possession of the department of taxation that is necessary only 61824
to verify whether the family income of a student applying for or 61825
receiving a scholarship under the educational choice scholarship 61826
pilot program is equal to, less than, or greater than the income 61827
thresholds prescribed by section 3310.032 of the Revised Code. 61828
The department of education and workforce shall provide 61829
sufficient information about the student and the student's 61830
family to enable the department of taxation to make the 61831
verification. 61832

(20) Disclosing to the Ohio rail development commission 61833
information in the possession of the department of taxation that 61834
is necessary to ensure compliance with the laws of this state 61835
governing taxation and to verify information reported to the 61836
commission for the purpose of evaluating potential grants or 61837
loans. Such information shall not include information received 61838
from the internal revenue service the disclosure of which is 61839
prohibited by section 6103 of the Internal Revenue Code. No 61840
member, officer, employee, or agent of the Ohio rail development 61841
commission shall disclose any information provided to the 61842
commission by the department of taxation under division (C) (20) 61843
of this section except when disclosure of the information is 61844
necessary for, and made solely for the purpose of facilitating, 61845
the evaluation of potential grants or loans. 61846

(21) Disclosing to the state racing commission information 61847
in the possession of the department of taxation that is 61848
necessary for verification of compliance with and for 61849
enforcement and administration of the taxes levied by Chapter 61850
3769. of the Revised Code. Such information shall include 61851
information that is necessary for the state racing commission to 61852
verify compliance with Chapter 3769. of the Revised Code for the 61853
purposes of issuance, denial, suspension, or revocation of a 61854
permit pursuant to section 3769.03 or 3769.06 of the Revised 61855
Code and related sections. Unless disclosure is otherwise 61856
authorized by law, information provided to the state racing 61857
commission under this section remains confidential and is not 61858
subject to public disclosure pursuant to section 3769.041 of the 61859
Revised Code. 61860

(22) Disclosing to the state fire marshal information in 61861
the possession of the department of taxation that is necessary 61862
for the state fire marshal to verify the compliance of a 61863

licensed manufacturer of fireworks or a licensed wholesaler of 61864
fireworks with section 3743.22 of the Revised Code. No officer, 61865
employee, or agent of the state fire marshal shall disclose any 61866
information provided to the state fire marshal by the department 61867
of taxation under division (C) (22) of this section. 61868

Sec. 5705.216. A board of education that has issued notes 61869
in anticipation of the proceeds of a permanent improvements levy 61870
in the maximum amount permitted under division (D) (2) or (3) of 61871
section 5705.21 of the Revised Code or a taxing authority of a 61872
county school financing district that has issued notes in 61873
anticipation of the proceeds of a levy in the maximum amount 61874
permitted under section 5705.215 of the Revised Code may, if the 61875
proceeds from the issuance of such notes have been spent, 61876
contracted, or encumbered, apply to the ~~superintendent of public~~ 61877
~~instruction~~ director of education and workforce for 61878
authorization to anticipate a fraction of the remaining 61879
estimated proceeds of the levy and issue anticipation notes for 61880
that purpose. The application shall be in such form and contain 61881
such information as the ~~superintendent~~ director considers 61882
necessary and shall specify the amount of notes to be issued. 61883
The amount shall not exceed the following: 61884

(A) In the case of a school district: 61885

(1) For levies described under division (D) (2) of section 61886
5705.21 of the Revised Code, the amount by which the total 61887
estimated proceeds of the levy remaining to be collected 61888
throughout its life exceeds the amount from such proceeds 61889
required to pay the principal and interest on notes issued under 61890
section 5705.21 of the Revised Code and the interest on any 61891
notes issued under this section; 61892

(2) For levies described under division (D) (3) of section 61893

5705.21 of the Revised Code, the amount by which the total 61894
estimated proceeds of the levy remaining to be collected over 61895
the specified number of years authorized for the issuance of the 61896
notes exceeds the amount from such proceeds required to pay the 61897
principal and interest on notes issued under section 5705.21 of 61898
the Revised Code and the interest on any notes issued under this 61899
section. 61900

(B) In the case of a county school financing district, the 61901
amount by which the total estimated proceeds of the levy 61902
remaining to be collected for the first five years of its life 61903
exceed the amount from such proceeds required to pay the 61904
principal and interest on notes issued under section 5705.215 of 61905
the Revised Code and the interest on any notes issued under this 61906
section. 61907

The ~~superintendent~~director shall examine the application 61908
and any other relevant information submitted and shall determine 61909
and certify the maximum amount of notes the district may issue 61910
under this section, which may be an amount less than the amount 61911
requested by the district. 61912

If the ~~superintendent~~director determines that the 61913
anticipated proceeds from the levy may be significantly less 61914
than expected and that additional notes should not be issued, 61915
the ~~superintendent~~director may deny the application and give 61916
written notice of the denial to the president of the district's 61917
board of education or the taxing authority. 61918

Such notes shall be sold in the same manner as notes 61919
issued under section 5705.21 or 5705.215 of the Revised Code. 61920

Sec. 5705.391. (A) The department of education and 61921
workforce and the auditor of state shall jointly adopt rules 61922

requiring boards of education to submit five-year projections of 61923
operational revenues and expenditures. The rules shall provide 61924
for the auditor of state or the department to examine the five- 61925
year projections and to determine whether any further fiscal 61926
analysis is needed to ascertain whether a district has the 61927
potential to incur a deficit during the first three years of the 61928
five-year period. 61929

The auditor of state or the department may conduct any 61930
further audits or analyses necessary to assess any district's 61931
fiscal condition. If further audits or analyses are conducted by 61932
the auditor of state, the auditor of state shall notify the 61933
department of the district's fiscal condition, and the 61934
department shall immediately notify the district of any 61935
potential to incur a deficit in the current fiscal year or of 61936
any strong indications that a deficit will be incurred in either 61937
of the ensuing two years. If such audits or analyses are 61938
conducted by the department, the department shall immediately 61939
notify the district and the auditor of state of such potential 61940
deficit or strong indications thereof. 61941

A district notified under this section shall take 61942
immediate steps to eliminate any deficit in the current fiscal 61943
year and shall begin to plan to avoid the projected future 61944
deficits. 61945

(B) The state board of education, in accordance with 61946
sections 3319.31 and 3319.311 of the Revised Code, may limit, 61947
suspend, or revoke a license as defined under section 3319.31 of 61948
the Revised Code that has been issued to any school employee 61949
found to have willfully contributed erroneous, inaccurate, or 61950
incomplete data required for the submission of the five-year 61951
projection required by this section. 61952

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

Sec. 5705.412. (A) As used in this section, "qualifying contract" means any agreement for the expenditure of money under which aggregate payments from the funds included in the school district's five-year forecast under section 5705.391 of the Revised Code will exceed the lesser of the following amounts:

(1) Five hundred thousand dollars;

(2) One per cent of the total revenue to be credited in the current fiscal year to the district's general fund, as specified in the district's most recent certificate of estimated resources certified under section 5705.36 of the Revised Code.

(B) (1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide the operating revenues necessary to enable the district to maintain all personnel and programs for all the days set forth in its adopted school calendars for the current fiscal year and for a number of days in succeeding fiscal years equal to the number of days instruction was held or is scheduled for the current fiscal year, as follows:

(a) A certificate attached to an appropriation measure 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) 62012
of this section, an alternative certificate stating the 62013
following may be attached: 62014

(a) The contract is a multi-year contract for materials, 62015
equipment, or nonpayroll services essential to the education 62016
program of the district; 62017

(b) The multi-year contract demonstrates savings over the 62018
duration of the contract as compared to costs that otherwise 62019
would have been demonstrated in a single year contract, and the 62020
terms will allow the district to reduce the deficit it is 62021
currently facing in future years as demonstrated in its five- 62022
year forecast adopted in accordance with section 5705.391 of the 62023
Revised Code. 62024

The certificate shall be signed by the treasurer and 62025
president of the board of education and the superintendent of 62026
the school district, unless the district is in a state of fiscal 62027
emergency declared under Chapter 3316. of the Revised Code. In 62028
that case, the certificate shall be signed by a member of the 62029
district's financial planning and supervision commission who is 62030
designated by the commission for this purpose. 62031

(C) Every qualifying contract made or wage or salary 62032
schedule adopted or put into effect without such a certificate 62033
shall be void, and no payment of any amount due thereon shall be 62034
made. 62035

(D) The department of education and workforce and the 62036
auditor of state jointly shall adopt rules governing the methods 62037
by which treasurers, presidents of boards of education, 62038
superintendents, and members of financial planning and 62039
supervision commissions shall estimate revenue and determine 62040

whether such revenue is sufficient to provide necessary 62041
operating revenue for the purpose of making certifications 62042
required by this section. 62043

(E) The auditor of state shall be responsible for 62044
determining whether school districts are in compliance with this 62045
section. At the time a school district is audited pursuant to 62046
section 117.11 of the Revised Code, the auditor of state shall 62047
review each certificate issued under this section since the 62048
district's last audit, and the appropriation measure, contract, 62049
or wage and salary schedule to which such certificate was 62050
attached. If the auditor of state determines that a school 62051
district has not complied with this section with respect to any 62052
qualifying contract or wage or salary schedule, the auditor of 62053
state shall notify the prosecuting attorney for the county, the 62054
city director of law, or other chief law officer of the school 62055
district. That officer may file a civil action in any court of 62056
appropriate jurisdiction to seek a declaration that the contract 62057
or wage or salary schedule is void, to recover for the school 62058
district from the payee the amount of payments already made 62059
under it, or both, except that the officer shall not seek to 62060
recover payments made under any collective bargaining agreement 62061
entered into under Chapter 4117. of the Revised Code. If the 62062
officer does not file such an action within one hundred twenty 62063
days after receiving notice of noncompliance from the auditor of 62064
state, any taxpayer may institute the action in the taxpayer's 62065
own name on behalf of the school district. 62066

(F) This section does not apply to any contract or 62067
increase in any wage or salary schedule that is necessary in 62068
order to enable a board of education to comply with division (B) 62069
of section 3317.13 of the Revised Code, provided the contract or 62070
increase does not exceed the amount required to be paid to be in 62071

compliance with such division. 62072

(G) Any officer, employee, or other person who expends or 62073
authorizes the expenditure of any public funds or authorizes or 62074
executes any contract or schedule contrary to this section, 62075
expends or authorizes the expenditure of any public funds on the 62076
void contract or schedule, or issues a certificate under this 62077
section which contains any false statements is liable to the 62078
school district for the full amount paid from the district's 62079
funds on the contract or schedule. The officer, employee, or 62080
other person is jointly and severally liable in person and upon 62081
any official bond that the officer, employee, or other person 62082
has given to the school district to the extent of any payments 62083
on the void claim, not to exceed ten thousand dollars. However, 62084
no officer, employee, or other person shall be liable for a 62085
mistaken estimate of available resources made in good faith and 62086
based upon reasonable grounds. If an officer, employee, or other 62087
person is found to have complied with rules jointly adopted by 62088
the department of education and workforce and the auditor of 62089
state under this section governing methods by which revenue 62090
shall be estimated and determined sufficient to provide 62091
necessary operating revenue for the purpose of making 62092
certifications required by this section, the officer, employee, 62093
or other person shall not be liable under this section if the 62094
estimates and determinations made according to those rules do 62095
not, in fact, conform with actual revenue. The prosecuting 62096
attorney of the county, the city director of law, or other chief 62097
law officer of the district shall enforce this liability by 62098
civil action brought in any court of appropriate jurisdiction in 62099
the name of and on behalf of the school district. If the 62100
prosecuting attorney, city director of law, or other chief law 62101
officer of the district fails, upon the written request of any 62102

taxpayer, to institute action for the enforcement of the 62103
liability, the attorney general, or the taxpayer in the 62104
taxpayer's own name, may institute the action on behalf of the 62105
subdivision. 62106

(H) This section does not require the attachment of an 62107
additional certificate beyond that required by section 5705.41 62108
of the Revised Code for current payrolls of, or contracts of 62109
employment with, any employees or officers of the school 62110
district. 62111

This section does not require the attachment of a 62112
certificate to a temporary appropriation measure if all of the 62113
following apply: 62114

(1) The amount appropriated does not exceed twenty-five 62115
per cent of the total amount from all sources available for 62116
expenditure from any fund during the preceding fiscal year; 62117

(2) The measure will not be in effect on or after the 62118
thirtieth day following the earliest date on which the district 62119
may pass an annual appropriation measure; 62120

(3) An amended official certificate of estimated resources 62121
for the current year, if required, has not been certified to the 62122
board of education under division (B) of section 5705.36 of the 62123
Revised Code. 62124

Sec. 5709.07. (A) The following property shall be exempt 62125
from taxation: 62126

(1) Real property used by a school for primary or 62127
secondary educational purposes, including only so much of the 62128
land as is necessary for the proper occupancy, use, and 62129
enjoyment of such real property by the school for primary or 62130
secondary educational purposes. The exemption under division (A) 62131

(1) of this section does not apply to any portion of the real 62132
property not used for primary or secondary educational purposes. 62133

For purposes of division (A) (1) of this section: 62134

(a) "School" means a public or nonpublic school. "School" 62135
excludes home ~~instruction~~ education as authorized under section 62136
~~3321.04~~ 3321.042 of the Revised Code. 62137

(b) "Public school" includes schools of a school district, 62138
STEM schools established under Chapter 3326. of the Revised 62139
Code, community schools established under Chapter 3314. of the 62140
Revised Code, and educational service centers established under 62141
section 3311.05 of the Revised Code. 62142

(c) "Nonpublic school" means a nonpublic school for which 62143
the ~~state board~~ director of education and workforce has issued a 62144
charter pursuant to section 3301.16 of the Revised Code and 62145
prescribes minimum standards under division (D) (2) of section 62146
3301.07 of the Revised Code. 62147

(2) Houses used exclusively for public worship, the books 62148
and furniture in them, and the ground attached to them that is 62149
not leased or otherwise used with a view to profit and that is 62150
necessary for their proper occupancy, use, and enjoyment; 62151

(3) Real property owned and operated by a church that is 62152
used primarily for church retreats or church camping, and that 62153
is not used as a permanent residence. Real property exempted 62154
under division (A) (3) of this section may be made available by 62155
the church on a limited basis to charitable and educational 62156
institutions if the property is not leased or otherwise made 62157
available with a view to profit. 62158

(4) Public colleges and academies and all buildings 62159
connected with them, and all lands connected with public 62160

institutions of learning, not used with a view to profit, 62161
including those buildings and lands that satisfy all of the 62162
following: 62163

(a) The buildings are used for housing for full-time 62164
students or housing-related facilities for students, faculty, or 62165
employees of a state university, or for other purposes related 62166
to the state university's educational purpose, and the lands are 62167
underneath the buildings or are used for common space, walkways, 62168
and green spaces for the state university's students, faculty, 62169
or employees. As used in this division, "housing-related 62170
facilities" includes both parking facilities related to the 62171
buildings and common buildings made available to students, 62172
faculty, or employees of a state university. The leasing of 62173
space in housing-related facilities shall not be considered an 62174
activity with a view to profit for purposes of division (A) (4) 62175
of this section. 62176

(b) The buildings and lands are supervised or otherwise 62177
under the control, directly or indirectly, of an organization 62178
that is exempt from federal income taxation under section 501(c) 62179
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 62180
U.S.C. 1, as amended, and the state university has entered into 62181
a qualifying joint use agreement with the organization that 62182
entitles the students, faculty, or employees of the state 62183
university to use the lands or buildings; 62184

(c) The state university has agreed, under the terms of 62185
the qualifying joint use agreement with the organization 62186
described in division (A) (4) (b) of this section, that the state 62187
university, to the extent applicable under the agreement, will 62188
make payments to the organization in amounts sufficient to 62189
maintain agreed-upon debt service coverage ratios on bonds 62190

related to the lands or buildings. 62191

(B) This section shall not extend to leasehold estates or 62192
real property held under the authority of a college or 62193
university of learning in this state; but leaseholds, or other 62194
estates or property, real or personal, the rents, issues, 62195
profits, and income of which is given to a municipal 62196
corporation, school district, or subdistrict in this state 62197
exclusively for the use, endowment, or support of schools for 62198
the free education of youth without charge shall be exempt from 62199
taxation as long as such property, or the rents, issues, 62200
profits, or income of the property is used and exclusively 62201
applied for the support of free education by such municipal 62202
corporation, district, or subdistrict. Division (B) of this 62203
section shall not apply with respect to buildings and lands that 62204
satisfy all of the requirements specified in divisions (A) (4) (a) 62205
to (c) of this section. 62206

(C) For purposes of this section, if the requirements 62207
specified in divisions (A) (4) (a) to (c) of this section are 62208
satisfied, the buildings and lands with respect to which 62209
exemption is claimed under division (A) (4) of this section shall 62210
be deemed to be used with reasonable certainty in furthering or 62211
carrying out the necessary objects and purposes of a state 62212
university. 62213

(D) As used in this section: 62214

(1) "Church" means a fellowship of believers, 62215
congregation, society, corporation, convention, or association 62216
that is formed primarily or exclusively for religious purposes 62217
and that is not formed for the private profit of any person. 62218

(2) "State university" has the same meaning as in section 62219

3345.011 of the Revised Code. 62220

(3) "Qualifying joint use agreement" means an agreement 62221
that satisfies all of the following: 62222

(a) The agreement was entered into before June 30, 2004; 62223

(b) The agreement is between a state university and an 62224
organization that is exempt from federal income taxation under 62225
section 501(c)(3) of the Internal Revenue Code of 1986, 100 62226
Stat. 2085, 26 U.S.C. 1, as amended; and 62227

(c) The state university that is a party to the agreement 62228
reported to the ~~Ohio board chancellor of regents higher~~ 62229
education that the university maintained a headcount of at least 62230
twenty-five thousand students on its main campus during the 62231
academic school year that began in calendar year 2003 and ended 62232
in calendar year 2004. 62233

Sec. 5709.92. (A) As used in this section: 62234

(1) "School district" means a city, local, or exempted 62235
village school district. 62236

(2) "Joint vocational school district" means a joint 62237
vocational school district created under section 3311.16 of the 62238
Revised Code, and includes a cooperative education school 62239
district created under section 3311.52 or 3311.521 of the 62240
Revised Code and a county school financing district created 62241
under section 3311.50 of the Revised Code. 62242

(3) "Total resources" means the sum of the amounts 62243
described in divisions (A) (3) (a) to (g) of this section less any 62244
reduction required under division (C) (3) (a) of this section. 62245

(a) The state education aid for fiscal year 2015; 62246

(b) The sum of the payments received in fiscal year 2015 62247
for current expense levy losses under division (C) (3) of section 62248
5727.85 and division (C) (12) of section 5751.21 of the Revised 62249
Code, as they existed at that time, excluding the portion of 62250
such payments attributable to levies for joint vocational school 62251
district purposes; 62252

(c) The sum of fixed-sum levy loss payments received by 62253
the school district in fiscal year 2015 under division (F) (1) of 62254
section 5727.85 and division (E) (1) of section 5751.21 of the 62255
Revised Code, as they existed at that time, for fixed-sum levies 62256
charged and payable for a purpose other than paying debt 62257
charges; 62258

(d) The district's taxes charged and payable against all 62259
property on the tax list of real and public utility property for 62260
current expense purposes for tax year 2014, including taxes 62261
charged and payable from emergency levies charged and payable 62262
under sections 5705.194 to 5705.197 of the Revised Code, 62263
excluding taxes levied for joint vocational school district 62264
purposes or levied under section 5705.23 of the Revised Code; 62265

(e) The amount certified for fiscal year 2015 under 62266
division (A) (2) of section 3317.08 of the Revised Code; 62267

(f) Distributions received during calendar year 2014 from 62268
taxes levied under section 718.09 of the Revised Code; 62269

(g) Distributions received during fiscal year 2015 from 62270
the gross casino revenue county student fund. 62271

(4) (a) "State education aid" for a school district means 62272
the sum of state amounts computed for the district under 62273
sections 3317.022 and 3317.0212 of the Revised Code after any 62274
amounts are added or subtracted under Section 263.240 of Am. 62275

Sub. H.B.59 of the 130th general assembly, entitled	62276
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	62277
	62278
(b) "State education aid" for a joint vocational district	62279
means the amount computed for the district under section 3317.16	62280
of the Revised Code after any amounts are added or subtracted	62281
under Section 263.250 of Am. Sub. H.B.59 of the 130th general	62282
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL	62283
DISTRICTS."	62284
(5) "Taxes charged and payable" means taxes charged and	62285
payable after the reduction required by section 319.301 of the	62286
Revised Code but before the reductions required by sections	62287
319.302 and 323.152 of the Revised Code.	62288
(6) "Capacity quintile" means the capacity measure	62289
quintiles determined under division (B) of this section.	62290
(7) "Threshold per cent" means the following:	62291
(a) For a school district in the lowest capacity quintile,	62292
one per cent for fiscal year 2016 and two per cent for fiscal	62293
year 2017.	62294
(b) For a school district in the second lowest capacity	62295
quintile, one and one-fourth per cent for fiscal year 2016 and	62296
two and one-half per cent for fiscal year 2017.	62297
(c) For a school district in the third lowest capacity	62298
quintile, one and one-half per cent for fiscal year 2016 and	62299
three per cent for fiscal year 2017.	62300
(d) For a school district in the second highest capacity	62301
quintile, one and three-fourths per cent for fiscal year 2016	62302
and three and one-half per cent for fiscal year 2017.	62303

(e) For a school district in the highest capacity 62304
quintile, two per cent for fiscal year 2016 and four per cent 62305
for fiscal year 2017. 62306

(f) For a joint vocational school district, two per cent 62307
for fiscal year 2016 and four per cent for fiscal year 2017. 62308

(8) "Current expense allocation" means the sum of the 62309
payments received by a school district or joint vocational 62310
school district in fiscal year 2015 for current expense levy 62311
losses under division (C) (3) of section 5727.85 and division (C) 62312
(12) of section 5751.21 of the Revised Code as they existed at 62313
that time, less any reduction required under division (C) (3) (b) 62314
of this section. 62315

(9) "Non-current expense allocation" means the sum of the 62316
payments received by a school district or joint vocational 62317
school district in fiscal year 2015 for levy losses under 62318
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 62319
section 5751.21 of the Revised Code, as they existed at that 62320
time, and levy losses in fiscal year 2015 under division (H) of 62321
section 5727.84 of the Revised Code as that section existed at 62322
that time attributable to levies for and payments received for 62323
losses on levies intended to generate money for maintenance of 62324
classroom facilities. 62325

(10) "Operating TPP fixed-sum levy losses" means the sum 62326
of payments received by a school district in fiscal year 2015 62327
for levy losses under division (E) of section 5751.21 of the 62328
Revised Code, excluding levy losses for debt purposes. 62329

(11) "Operating S.B. 3 fixed-sum levy losses" means the 62330
sum of payments received by the school district in fiscal year 62331
2015 for levy losses under division (H) of section 5727.84 of 62332

the Revised Code, excluding levy losses for debt purposes. 62333

(12) "TPP fixed-sum debt levy losses" means the sum of 62334
payments received by a school district in fiscal year 2015 for 62335
levy losses under division (E) of section 5751.21 of the Revised 62336
Code for debt purposes. 62337

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 62338
payments received by the school district in fiscal year 2015 for 62339
levy losses under division (H) of section 5727.84 of the Revised 62340
Code for debt purposes. 62341

(14) "Qualifying levies" means qualifying levies described 62342
in section 5751.20 of the Revised Code as that section was in 62343
effect before July 1, 2015. 62344

(15) "Total taxable value" has the same meaning as in 62345
section 3317.02 of the Revised Code. 62346

(B) The department of education and workforce shall rank 62347
all school districts in the order of districts' capacity 62348
measures determined under former section 3317.018 of the Revised 62349
Code from lowest to highest, and divide such ranking into 62350
quintiles, with the first quintile containing the twenty per 62351
cent of school districts having the lowest capacity measure and 62352
the fifth quintile containing the twenty per cent of school 62353
districts having the highest capacity measure. This calculation 62354
and ranking shall be performed once, in fiscal year 2016. 62355

(C) (1) In fiscal year 2016, payments shall be made to 62356
school districts and joint vocational school districts equal to 62357
the sum of the amounts described in divisions (C) (1) (a) or (b) 62358
and (C) (1) (c) of this section. In fiscal year 2017, payments 62359
shall be made to school districts and joint vocational school 62360
districts equal to the amount described in division (C) (1) (a) or 62361

(b) of this section. 62362

(a) If the ratio of the current expense allocation to 62363
total resources is equal to or less than the district's 62364
threshold percent, zero; 62365

(b) If the ratio of the current expense allocation to 62366
total resources is greater than the district's threshold per 62367
cent, the difference between the current expense allocation and 62368
the product of the threshold percentage and total resources; 62369

(c) For fiscal year 2016, the product of the non-current 62370
expense allocation multiplied by fifty per cent. 62371

(2) In fiscal year 2018 and subsequent fiscal years, 62372
payments shall be made to school districts and joint vocational 62373
school districts equal to the difference obtained by subtracting 62374
the amount described in division (C) (2) (b) of this section from 62375
the amount described in division (C) (2) (a) of this section, 62376
provided that such amount is greater than zero. 62377

(a) The sum of the payments received by the district under 62378
division (C) (1) (b) or (C) (2) of this section for the immediately 62379
preceding fiscal year; 62380

(b) One-sixteenth of one per cent of the average of the 62381
total taxable value of the district for tax years 2014, 2015, 62382
and 2016. 62383

(3) (a) "Total resources" used to compute payments under 62384
division (C) (1) of this section shall be reduced to the extent 62385
that payments distributed in fiscal year 2015 were attributable 62386
to levies no longer charged and payable for tax year 2014. 62387

(b) "Current expense allocation" used to compute payments 62388
under division (C) (1) of this section shall be reduced to the 62389

extent that the payments distributed in fiscal year 2015 were 62390
attributable to levies no longer charged and payable for tax 62391
year 2014. 62392

(4) The department of education and workforce shall report 62393
to each school district and joint vocational school district the 62394
apportionment of the payments under division (C) (1) of this 62395
section among the district's funds based on qualifying levies. 62396

(D) (1) Payments in the following amounts shall be made to 62397
school districts and joint vocational school districts in tax 62398
years 2016 through 2021: 62399

(a) In tax year 2016, the sum of the district's operating 62400
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 62401
losses. 62402

(b) In tax year 2017, the sum of the district's operating 62403
TPP fixed-sum levy losses and eighty per cent of operating S.B. 62404
3 fixed-sum levy losses. 62405

(c) In tax year 2018, the sum of eighty per cent of the 62406
district's operating TPP fixed-sum levy losses and sixty per 62407
cent of its operating S.B. 3 fixed-sum levy losses. 62408

(d) In tax year 2019, the sum of sixty per cent of the 62409
district's operating TPP fixed-sum levy losses and forty per 62410
cent of its operating S.B. 3 fixed-sum levy losses. 62411

(e) In tax year 2020, the sum of forty per cent of the 62412
district's operating TPP fixed-sum levy losses and twenty per 62413
cent of its operating S.B. 3 fixed-sum levy losses. 62414

(f) In tax year 2021, twenty per cent of the district's 62415
operating TPP fixed-sum levy losses. 62416

No payment shall be made under division (D) (1) of this 62417

section after tax year 2021. 62418

(2) Amounts are payable under division (D) of this section 62419
for fixed-sum levy losses only to the extent of such losses for 62420
qualifying levies that remain in effect for the current tax 62421
year. For this purpose, a qualifying levy levied under section 62422
5705.194 or 5705.213 of the Revised Code remains in effect for 62423
the current tax year only if a tax levied under either of those 62424
sections is charged and payable for the current tax year for an 62425
annual sum at least equal to the annual sum levied by the board 62426
of education for tax year 2004 under those sections less the 62427
amount of the payment under this division. 62428

(E) (1) For fixed-sum levies for debt purposes, payments 62429
shall be made to school districts and joint vocational school 62430
districts equal to one hundred per cent of the district's fixed- 62431
sum levy loss determined under division (E) of section 5751.20 62432
and division (H) of section 5727.84 of the Revised Code as in 62433
effect before July 1, 2015, and paid in tax year 2014. No 62434
payment shall be made for qualifying levies that are no longer 62435
charged and payable. 62436

(2) Beginning in 2016, by the thirty-first day of January 62437
of each year, the tax commissioner shall review the calculation 62438
of fixed-sum levy loss for debt purposes determined under 62439
division (E) of section 5751.20 and division (H) of section 62440
5727.84 of the Revised Code as in effect before July 1, 2015. If 62441
the commissioner determines that a fixed-sum levy that had been 62442
scheduled to be reimbursed in the current year is no longer 62443
charged and payable, a revised calculation for that year and all 62444
subsequent years shall be made. 62445

(F) (1) For taxes levied within the ten-mill limitation for 62446
debt purposes in tax year 1998 in the case of electric company 62447

tax value losses, and in tax year 1999 in the case of natural 62448
gas company tax value losses, payments shall be made to school 62449
districts and joint vocational school districts equal to one 62450
hundred per cent of the loss computed under division (D) of 62451
section 5727.85 of the Revised Code as in effect before July 1, 62452
2015, as if the tax were a fixed-rate levy, but those payments 62453
shall extend through fiscal year 2016. 62454

(2) For taxes levied within the ten-mill limitation for 62455
debt purposes in tax year 2005, payments shall be made to school 62456
districts and joint vocational school districts equal to one 62457
hundred per cent of the loss computed under division (D) of 62458
section 5751.21 of the Revised Code as in effect before July 1, 62459
2015, as if the tax were a fixed-rate levy, but those payments 62460
shall extend through fiscal year 2018. 62461

(G) If all the territory of a school district or joint 62462
vocational school district is merged with another district, or 62463
if a part of the territory of a school district or joint 62464
vocational school district is transferred to an existing or 62465
newly created district, the department of education and 62466
workforce, in consultation with the tax commissioner, shall 62467
adjust the payments made under this section as follows: 62468

(1) For a merger of two or more districts, fixed-sum levy 62469
losses, total resources, current expense allocation, and non- 62470
current expense allocation of the successor district shall be 62471
the sum of such items for each of the districts involved in the 62472
merger. 62473

(2) If property is transferred from one district to a 62474
previously existing district, the amount of the total resources, 62475
current expense allocation, and non-current expense allocation 62476
that shall be transferred to the recipient district shall be an 62477

amount equal to the total resources, current expense allocation, 62478
and non-current expense allocation of the transferor district 62479
times a fraction, the numerator of which is the number of pupils 62480
being transferred to the recipient district, measured, in the 62481
case of a school district, by formula ADM as defined in section 62482
3317.02 of the Revised Code or, in the case of a joint vocational 62483
school district, by formula ADM as defined for a joint 62484
vocational school district in that section, and the denominator 62485
of which is the formula ADM of the transferor district. 62486

(3) After December 31, 2010, if property is transferred 62487
from one or more districts to a district that is newly created 62488
out of the transferred property, the newly created district 62489
shall be deemed not to have any total resources, current expense 62490
allocation, total allocation, or non-current expense allocation. 62491

(4) If the recipient district under division (G) (2) of 62492
this section or the newly created district under division (G) (3) 62493
of this section is assuming debt from one or more of the 62494
districts from which the property was transferred and any of the 62495
districts losing the property had fixed-sum levy losses, the 62496
department of education and workforce, in consultation with the 62497
tax commissioner, shall make an equitable division of the 62498
reimbursements for those losses. 62499

(H) The payments required by divisions (C), (D), (E), (F), 62500
and (I) of this section shall be distributed periodically to 62501
each school and joint vocational school district by the 62502
department of education and workforce unless otherwise provided 62503
for. Except as provided in division (D) of this section, if a 62504
levy that is a qualifying levy is not charged and payable in any 62505
year after 2014, payments to the school district or joint 62506
vocational school district shall be reduced to the extent that 62507

the payments distributed in fiscal year 2015 were attributable 62508
to the levy loss of that levy. 62509

(I) For fiscal years 2022 through 2026, if the total 62510
amount to be received under divisions (C) and (E) of this 62511
section by any school district that has a nuclear power plant 62512
located within its territory is less than the amount the 62513
district received under this section in fiscal year 2017, the 62514
district shall receive a supplemental payment equal to the 62515
difference between the amount to be received under those 62516
divisions for the fiscal year and the amount received under this 62517
section in fiscal year 2017. 62518

Sec. 5715.26. (A) (1) Upon receiving the statement required 62519
by section 5715.25 of the Revised Code, the county auditor shall 62520
forthwith add to or deduct from each tract, lot, or parcel of 62521
real property or class of real property the required percentage 62522
or amount of the valuation thereof, adding or deducting any sum 62523
less than five dollars so that the value of any separate tract, 62524
lot, or parcel of real property shall be ten dollars or some 62525
multiple thereof. 62526

(2) After making the additions or deductions required by 62527
this section, the auditor shall transmit to the tax commissioner 62528
the appropriate adjusted abstract of the real property of each 62529
taxing district in the auditor's county in which an adjustment 62530
was required. 62531

(3) If the commissioner increases or decreases the 62532
aggregate value of the real property or any class thereof in any 62533
county or taxing district thereof and does not receive within 62534
ninety days thereafter an adjusted abstract conforming to its 62535
statement for such county or taxing district therein, the 62536
commissioner shall withhold from such county or taxing district 62537

therein fifty per cent of its share in the distribution of state 62538
revenues to local governments pursuant to sections 5747.50 to 62539
5747.55 of the Revised Code and shall direct the department of 62540
education and workforce to withhold therefrom fifty per cent of 62541
state revenues to school districts pursuant to Chapter 3317. of 62542
the Revised Code. The commissioner shall withhold the 62543
distribution of such funds until such county auditor has 62544
complied with this division, and the department shall withhold 62545
the distribution of such funds until the commissioner has 62546
notified the department that such county auditor has complied 62547
with this division. 62548

(B) (1) If the commissioner's determination is appealed 62549
under section 5715.251 of the Revised Code, the county auditor, 62550
treasurer, and all other officers shall forthwith proceed with 62551
the levy and collection of the current year's taxes in the 62552
manner prescribed by law. The taxes shall be determined and 62553
collected as if the commissioner had determined under section 62554
5715.24 of the Revised Code that the real property and the 62555
various classes thereof in the county as shown in the auditor's 62556
abstract were assessed for taxation and the true and 62557
agricultural use values were recorded on the agricultural land 62558
tax list as required by law. 62559

(2) If as a result of the appeal to the board it is 62560
finally determined either that all real property and the various 62561
classes thereof have not been assessed as required by law or 62562
that the values set forth in the agricultural land tax list do 62563
not correctly reflect the true and agricultural use values of 62564
the lands contained therein, the county auditor shall forthwith 62565
add to or deduct from each tract, lot, or parcel of real 62566
property or class of real property the required percentage or 62567
amount of the valuation in accordance with the order of the 62568

board or judgment of the court to which the board's order was 62569
appealed, and the taxes on each tract, lot, or parcel and the 62570
percentages required by section 319.301 of the Revised Code 62571
shall be recomputed using the valuation as finally determined. 62572
The order or judgment making the final determination shall 62573
prescribe the time and manner for collecting, crediting, or 62574
refunding the resultant increases or decreases in taxes. 62575

Sec. 5715.34. (A) When a reassessment of all real 62576
property, or any class of property, situated in the county, 62577
township, municipal corporation, or other taxing district is 62578
ordered by the tax commissioner, the county auditor, within 62579
sixty days of the receipt of such order, shall commence the 62580
reassessment in the manner provided by law and by rules 62581
prescribed and issued by the commissioner. 62582

(B) If a county auditor determines to reassess all real 62583
property situated in the county prior to the time ~~he~~ the auditor 62584
is ordered to do so in compliance with section 5713.01 of the 62585
Revised Code and division (A) of this section, certifies to the 62586
tax commissioner that ~~he~~ the auditor has sufficient moneys 62587
available to do so, and requests the commissioner to order the 62588
reassessment at a date earlier than would otherwise be required, 62589
the commissioner shall issue an order to the auditor to do so. 62590
The auditor shall commence the reassessment in the manner 62591
provided by law and by rules adopted by the commissioner, within 62592
sixty days after receiving the order. 62593

(C) If the county auditor refuses, neglects, or fails to 62594
commence a reassessment within sixty days after receiving such 62595
order, or refuses, neglects, or fails to complete the 62596
reassessment within the time limit prescribed and set forth in 62597
such order, the tax commissioner shall withhold from such county 62598

its share in the distribution of state revenue to local 62599
government pursuant to section 5747.50 of the Revised Code and 62600
shall direct the department of education and workforce to 62601
withhold therefrom its share in the distribution of state 62602
revenue to school districts pursuant to Title XXXIII of the 62603
Revised Code. The commissioner shall withhold the distribution 62604
of such funds until such county auditor has complied with all 62605
the provisions of this section, and the department shall 62606
withhold the distribution of such funds until the commissioner 62607
has notified the department that such auditor has complied with 62608
all of the provisions of this section. 62609

Sec. 5747.057. (A) As used in this section: 62610

(1) "Eligible employee" means an employee who is nineteen 62611
years of age or younger and enrolled in a career-technical 62612
education program approved under section 3317.161 of the Revised 62613
Code. 62614

(2) "Eligible compensation" means compensation paid on and 62615
~~after the effective date of this section~~ March 23, 2022, from 62616
which the employer is required to deduct and withhold income tax 62617
under section 5747.06 of the Revised Code. 62618

(B) A nonrefundable credit is allowed against a taxpayer's 62619
aggregate tax liability under section 5747.02 of the Revised 62620
Code for a taxpayer that holds a tax credit certificate issued 62621
under this section. The credit equals the amount listed on the 62622
certificate and shall be claimed for the taxable year that 62623
includes the last day of the calendar year for which the 62624
certificate was issued. The credit shall be claimed in the order 62625
required under section 5747.98 of the Revised Code. 62626

(C) An employer that is a taxpayer or a pass-through 62627

entity and that employs an eligible employee in fulfillment of a 62628
work-based learning experience, internship, or cooperative 62629
education program associated with the career-technical education 62630
program in which the eligible employee is enrolled may apply to 62631
the department of education and workforce for a tax credit 62632
certificate. The application shall be made on forms prescribed 62633
by the department, in consultation with the tax commissioner, on 62634
or after the first day of January and on or before the first day 62635
of February of each year. The application shall include all of 62636
the following information for the calendar year preceding the 62637
year in which the application is made: 62638

(1) The amount of eligible compensation paid by the 62639
applicant to each of its eligible employees; 62640

(2) The name, birth date, and social security number of 62641
each eligible employee employed by the applicant; 62642

(3) The career-technical education program in which each 62643
eligible employee is enrolled; 62644

(4) A description of each eligible employee's duties as 62645
part of the employee's work-based learning experience, 62646
internship, or cooperative education program; 62647

(5) Any other information requested by the department. 62648

(D) (1) After determining that the applicant satisfies the 62649
conditions described in division (C) of this section, the 62650
department of education and workforce shall issue, within sixty 62651
days after the receipt of a complete application under that 62652
division, a tax credit certificate to the applicant equal to the 62653
lesser of (a) fifteen per cent of the eligible compensation paid 62654
by the applicant to all eligible employees during the calendar 62655
year or (b) five thousand dollars per eligible employee, in 62656

either case subject to the limitations in division (D) (2) of 62657
this section. 62658

(2) If the applicant pays eligible compensation to an 62659
employee who ceases to qualify as an eligible employee during 62660
the calendar year, only the eligible compensation paid to the 62661
employee while the employee qualified as an eligible employee 62662
may be used to calculate the credit amount on a tax credit 62663
certificate issued under this section. The department shall not 62664
issue certificates in a total amount that would cause the tax 62665
credits claimed in any fiscal biennium to exceed five million 62666
dollars. 62667

(3) Each tax credit certificate issued under this section 62668
shall include a unique identification number and shall state the 62669
amount of tax credit that may be claimed. A taxpayer claiming 62670
the credit allowed under this section shall submit a copy of the 62671
certificate with the taxpayer's return or report. 62672

(E) If a tax credit certificate is issued to a pass- 62673
through entity under this section, any taxpayer that is a direct 62674
or indirect investor in the pass-through entity on the last day 62675
of the entity's taxable year ending in the calendar year for 62676
which the certificate was issued may claim the taxpayer's 62677
distributive or proportionate share of the credit against the 62678
taxpayer's aggregate tax liability under section 5747.02 of the 62679
Revised Code. 62680

(F) For the purpose of issuing tax credit certificates 62681
under this section, the department of education and workforce 62682
may request from any of the following entities the data 62683
verification code assigned under division (D) (2) of section 62684
3301.0714 of the Revised Code to any student who is included on 62685
an application made pursuant to division (C) of this section as 62686

an eligible employee: 62687

(1) The student's resident district; 62688

(2) The district or school offering the career-technical 62689
education program in which the student is enrolled; 62690

(3) The independent contractor engaged to create and 62691
maintain student data verification codes. 62692

The department may not release a data verification code 62693
received under this division to any person except as authorized 62694
by law. Any document related to the tax credit authorized under 62695
this section that the department maintains in its files that 62696
contains both a student's name or other personally identifiable 62697
information and the student's data verification code is not a 62698
public record as defined in section 149.43 of the Revised Code. 62699

Sec. 5747.72. (A) As used in this section: 62700

(1) "Qualifying taxpayer" means a taxpayer that is an 62701
individual with a dependent who is a qualifying student. 62702

(2) "Qualifying student" means a student who ~~was excused~~ 62703
is exempt from the compulsory attendance law for the purpose of 62704
home ~~instruction-education~~ under section ~~3321.04~~3321.042 of the 62705
Revised Code for the school year. 62706

(3) "Education expenses" means expenses or fees for any of 62707
the following items used directly for home ~~instruction-education~~ 62708
of a qualifying student: books, supplementary materials, 62709
supplies, computer software, applications, or subscriptions. 62710
"Education expenses" does not include expenses or fees for 62711
computers or similar electronic devices or accessories thereto. 62712

(B) There is hereby allowed a nonrefundable credit against 62713
a qualifying taxpayer's aggregate tax liability under section 62714

5747.02 of the Revised Code equal to the lesser of two hundred 62715
fifty dollars or the amount of education expenses incurred by 62716
the taxpayer in the taxable year for the benefit of one or more 62717
of the taxpayer's qualifying students. The credit shall be 62718
claimed in the order required under section 5747.98 of the 62719
Revised Code. 62720

The tax commissioner may request that a qualifying 62721
taxpayer claiming a credit under this section furnish 62722
information as is necessary to support the claim for the credit 62723
under this section, and no credit shall be allowed unless the 62724
requested information is provided. 62725

Sec. 5753.11. (A) As used in this section: 62726

(1) "Public school district" means any city, local, 62727
exempted village, or joint vocational school district, community 62728
school established under Chapter 3314. of the Revised Code, STEM 62729
school established under Chapter 3326. of the Revised Code, or 62730
college-preparatory boarding school established under Chapter 62731
3328. of the Revised Code. "Public school district" does not 62732
include any STEM school operated under section 3326.51 of the 62733
Revised Code. 62734

(2) "Student population" means the number of students 62735
residing in a county who are enrolled in a public school 62736
district in grades kindergarten through twelve and the total 62737
number of preschool children with disabilities on the following 62738
dates: 62739

(a) For the January distribution, the Friday of the first 62740
full school week in October; 62741

(b) For the August distribution, the Friday of the first 62742
full school week in May. 62743

(B) For the purpose of calculating student population, 62744
each public school district shall, twice annually, report to the 62745
department of education and workforce the students enrolled in 62746
the district on the days specified in division (A) (2) of this 62747
section. A student shall be considered to be enrolled in a 62748
public school district if the student is participating in 62749
education programs of the public school district and the public 62750
school district has not: 62751

(1) Received documentation from a parent terminating 62752
enrollment of the student; 62753

(2) Been provided documentation of a student's enrollment 62754
in another public or private school; or 62755

(3) Ceased to offer education to the student. 62756

If more than one public school district reports a student 62757
as enrolled, the department shall use procedures adopted by the 62758
department for the reconciliation of enrollment to determine the 62759
district of enrollment for purposes of this section. In the case 62760
of the dual enrollment of a student in a joint vocational school 62761
district and another public school district, the student shall 62762
be included in the enrollments for both schools. If the valid 62763
school district or enrollment cannot be determined in time for 62764
the certification, the count of these students shall be divided 62765
equally between the reporting districts. 62766

(C) The department of education and workforce shall 62767
certify to the department of taxation the student population for 62768
each county and the student population for each public school 62769
district located in whole or in part in the county on or before 62770
the thirtieth day of December, for the January distribution and 62771
on or before the thirtieth day of July, for the August 62772

distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the enrollment area required to be defined by the community school and its sponsor in accordance with division (A)(19) of section 3314.03 of the Revised Code, the location of each STEM school shall be any county in which its enrolled students reside, and the location of the college-preparatory boarding schools shall be the territory of the school district in which the college-preparatory school is located or the territory of any city, exempted village, or local school district that has agreed to be a participating district under section 3328.04 of the Revised Code.

The student population count certified by the department of education and workforce to the department of taxation is final and shall not be adjusted by future updates to the counts.

(D) Not later than the thirty-first day of January and the thirty-first day of August of each year, the tax commissioner shall distribute funds in the gross casino revenue county student fund to public school districts. The commissioner shall calculate the amount of funds to distribute to each public school district as follows:

(1) The commissioner shall calculate the proportional share of the funds attributable to each county by dividing the total student population certified for each county by the sum of the total student population certified in all counties statewide.

(2) The commissioner shall multiply the amount in division (D)(1) of this section by the total amount of funds in the gross casino revenue county student fund to obtain the share of funds

for each county. 62803

(3) The commissioner shall multiply the amount in division 62804
(D) (2) of this section by the quotient of the student population 62805
certified for each individual district located in the county 62806
divided by the sum of the student population certified for all 62807
public school districts located in the county. 62808

The commissioner shall distribute to each public school 62809
district the amount so calculated for each district. 62810

Sec. 6109.21. (A) Except as provided in divisions (I) and 62811
(J) of this section, no person shall operate a public water 62812
system in this state without a license issued by the director of 62813
environmental protection. 62814

(B) A person who proposes to operate a new public water 62815
system, in addition to complying with section 6109.07 of the 62816
Revised Code and rules adopted under it, shall obtain an initial 62817
license from the director. The person shall submit an 62818
application for the initial license at least forty-five days 62819
prior to commencing the operation of the system. 62820

(C) A license shall expire on the thirtieth day of January 62821
in the year following its issuance. 62822

(D) A license shall be renewed annually. A person 62823
proposing to continue operating a public water system shall 62824
apply for a license renewal at least thirty days prior to the 62825
expiration date of the license. 62826

(E) Each application for a license or license renewal 62827
shall be accompanied by the appropriate fee established under 62828
division (M) of section 3745.11 of the Revised Code. However, an 62829
applicant for an initial license who is proposing to operate a 62830
new public water system shall submit a fee that equals a 62831

prorated amount of the appropriate fee established under that 62832
division for the remainder of the licensing year. 62833

(F) Not later than thirty days after receiving a completed 62834
application and the appropriate license fee for a license or 62835
license renewal for a public water system, the director shall do 62836
one of the following: 62837

(1) Issue the license or license renewal for the public 62838
water system; 62839

(2) Issue the license or license renewal subject to terms 62840
and conditions that the director determines are necessary to 62841
ensure compliance with this chapter and rules adopted under it; 62842

(3) Deny the license or license renewal if the director 62843
finds that the public water system cannot be operated in 62844
substantial compliance with this chapter and rules adopted under 62845
it. 62846

(G) The director may condition, suspend, or revoke a 62847
license or license renewal issued under this section at any time 62848
if the director finds that the public water system was not or 62849
will not be operated in substantial compliance with this chapter 62850
and rules adopted under it. 62851

(H) The director shall adopt rules in accordance with 62852
Chapter 119. of the Revised Code establishing procedures and 62853
requirements governing both of the following: 62854

(1) Information to be included on applications for 62855
licenses and license renewals issued under this section; 62856

(2) The issuance, conditioning, suspension, revocation, 62857
and denial of licenses and license renewals under this section. 62858

(I) (1) As used in division (I) of this section, "church" 62859

means a fellowship of believers, congregation, society, 62860
corporation, convention, or association that is formed primarily 62861
or exclusively for religious purposes and that is not formed or 62862
operated for the private profit of any person. 62863

(2) This section does not apply to a church that operates 62864
or maintains a public water system solely to provide water for 62865
that church or for a campground that is owned by the church and 62866
operated primarily or exclusively for members of the church and 62867
their families. 62868

(J) This section does not apply to any public or nonpublic 62869
school that meets minimum standards of the ~~state board~~ director 62870
of education and workforce that operates or maintains a public 62871
water system solely to provide water for that school. 62872

(K) The environmental protection agency shall collect well 62873
log filing fees on behalf of the division of water resources in 62874
the department of natural resources in accordance with section 62875
1521.05 of the Revised Code and rules adopted under it. The fees 62876
shall be submitted to the division quarterly as provided in 62877
those rules. 62878

Sec. 6301.04. (A) The governor shall establish a state 62879
board. The state board shall consist of the following members: 62880

(1) The governor; 62881

(2) Two members of the house of representatives, appointed 62882
by the speaker of the house of representatives; 62883

(3) Two members of the senate, appointed by the president 62884
of the senate; 62885

(4) Members required under section 101(b)(1)(C) of the 62886
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1) 62887

(C) ;	62888
(5) <u>The deputy director of primary and secondary education</u>	62889
<u>and the deputy director of career-technical education appointed</u>	62890
<u>under section 3301.13 of the Revised Code;</u>	62891
<u>(6) Any additional members appointed by the governor.</u>	62892
(B) The governor shall appoint members to the board, who	62893
serve at the governor's pleasure, to perform duties under the	62894
Workforce Innovation and Opportunity Act, as authorized by the	62895
governor.	62896
(C) The board is not subject to sections 101.82 to 101.87	62897
of the Revised Code.	62898
(D) All state agencies engaged in workforce development	62899
activities shall assist the board in the performance of its	62900
duties.	62901
(E) The board shall have the power and authority to do all	62902
of the following:	62903
(1) Develop, implement, and modify the state workforce	62904
development plan;	62905
(2) Review statewide workforce policies and programs and	62906
recommendations on actions to be taken by the state to align	62907
workforce development programs to support a comprehensive and	62908
streamlined workforce development system;	62909
(3) Recommend measures for the development and continuous	62910
improvement of the workforce development system in the state,	62911
including updating comprehensive state performance	62912
accountability measures, also known as workforce success	62913
measures;	62914

(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 62915
62916

(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 62917
62918
62919

Sec. 6301.11. (A) As used in this section, "public or private institution" means any of the following: 62920
62921

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 62922
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(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 62924
62925
62926

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education. 62927
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62929

(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: 62930
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(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services; 62936
62937

(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. 62938
62939
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62941
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(C) The department of job and family services, the 62943
department of education and workforce, and the public or private 62944
institutions, in consultation with the state board, shall use 62945
the methodology to create a list of such in-demand jobs in the 62946
state and a list of such in-demand jobs in each region of the 62947
state. The department of job and family services and the 62948
department of education and workforce shall publish the lists on 62949
the web ~~site~~ sites of the each department. The ~~department~~ 62950
departments and public or private institutions shall 62951
periodically update the lists to reflect evolving workforce 62952
demands in this state and its regions. 62953

(D) Local boards and other providers of workforce training 62954
shall use the lists of in-demand jobs to cultivate and 62955
prioritize workforce development activities that correspond to 62956
the employment needs of employers operating in this state and in 62957
each of its regions and to assist individuals in maximizing 62958
their employment opportunities. 62959

Sec. 6301.111. The governor's office of workforce 62960
transformation, in conjunction with the department of job and 62961
family services and the department of education and workforce, 62962
shall conduct an electronic survey of employers in this state to 62963
identify jobs that are in demand by those employers. The office, 62964
in conjunction with the ~~department~~ departments, shall use the 62965
survey results to update the list of in-demand jobs required 62966
under section 6301.11 of the Revised Code, notwithstanding the 62967
requirement in that section that the ~~department~~ departments and 62968
public or private institutions, as defined in that section, 62969
periodically update that list. The office shall complete the 62970
initial survey and make the update required under this section 62971
not later than December 31, 2018. The office shall complete a 62972
subsequent survey and update not later than the last day of 62973

December every two years thereafter. 62974

Sec. 6301.112. (A) The governor's office of workforce 62975
transformation, in collaboration with the departments of higher 62976
education ~~and, job and family services, and education and~~ 62977
workforce, shall create and publish on the OhioMeansJobs web 62978
site a workforce supply tool that uses real-time demand and 62979
supply data. The office shall provide all of the following 62980
through the tool: 62981

(1) Businesses with historical information on graduates 62982
from high demand fields; 62983

(2) Businesses with projections on future graduates; 62984

(3) The number of skilled workers available for work in 62985
occupations included in the list of in-demand jobs created under 62986
section 6301.11 of the Revised Code. 62987

(B) ~~Not later than January 1, 2018, the~~ The governor's 62988
office of workforce transformation, in collaboration with the 62989
departments of higher education ~~and, job and family services,~~ 62990
and education and workforce, shall include in the workforce 62991
supply tool created under division (A) of this section all in- 62992
demand jobs included in the list of in-demand jobs created under 62993
section 6301.11 of the Revised Code. 62994

(C) ~~Not later than December 31, 2018, the~~ The governor's 62995
office of workforce transformation, in collaboration with the 62996
~~departments~~ department of higher education and the department of 62997
education and workforce, shall establish design teams. The 62998
design teams shall do both of the following: 62999

(1) Identify emerging skill needs based on predictive 63000
analytics and analysis of the data from the workforce supply 63001
tool created under division (A) of this section; 63002

(2) Periodically recommend innovations for responding to 63003
emerging in-demand jobs and skills. 63004

Sec. 6301.15. ~~Not later than September 1, 2014, the~~ The 63005
director of job and family services, in consultation with ~~the~~ 63006
~~superintendent of public instruction and the director of the~~ 63007
governor's office of workforce transformation and the director 63008
of education and workforce, shall develop and maintain an online 63009
education and career planning tool to assist students in 63010
developing education and career plans. ~~The director of job and~~ 63011
~~family services also shall provide information regarding the~~ 63012
~~online planning tool and all appropriate web site links,~~ 63013
~~including a link to the OhioMeansJobs web site, to the~~ 63014
~~department of education not later than that date.~~ The director 63015
of job and family services shall periodically update the online 63016
education and career planning tool and other information as 63017
determined necessary by the director and shall provide the 63018
updates to the department of education and workforce. 63019

The department of education and workforce shall post the 63020
information ~~received from the director of job and family~~ 63021
~~services developed~~ under this section in a prominent location on 63022
the department's web site. 63023

Sec. 6301.21. (A) ~~Not later than December 31, 2017, the~~ 63024
The governor's office of workforce transformation, the 63025
department of education and workforce, and the chancellor of 63026
higher education, in consultation with business and economic 63027
development stakeholder groups, shall develop a regional 63028
workforce collaboration model. The model shall provide guidance 63029
on how the JobsOhio regional network, local chambers of 63030
commerce, economic development organizations, business, business 63031
associations, secondary and post-secondary education 63032

organizations, and Ohio college tech prep regional centers, that 63033
are jointly managed by the department of education and workforce 63034
and the chancellor, shall collaborate to form a partnership that 63035
provides career services to students. 63036

Career services to students may include, but are not 63037
limited to, job shadowing, internships, co-ops, apprenticeships, 63038
career exploration activities, and problem-based curriculum 63039
developed in alignment with in-demand jobs. 63040

(B) The governor's office of workforce transformation 63041
shall oversee the creation of regional workforce collaboration 63042
partnerships based on the model created under division (A) of 63043
this section. The partnerships shall be located in each of the 63044
six different regions of the state, as determined by JobsOhio. 63045

(C) As used in this section, "JobsOhio" has the same 63046
meaning as in section 187.01 of the Revised Code. 63047

Sec. 6301.22. (A) With regard to industry-recognized 63048
credentials and certificate programs, the governor's office of 63049
workforce transformation shall act as a liaison between the 63050
business community and the department of education and workforce 63051
or the chancellor of higher education. In acting as a liaison, 63052
the governor's office of workforce transformation shall accept 63053
inquiries from the business community regarding all of the 63054
following: 63055

(1) Industry-recognized credentials approved under section 63056
3313.6113 of the Revised Code; 63057

(2) Certificate programs and industry-recognized 63058
credentials included in the inventory prescribed under section 63059
3333.94 of the Revised Code; 63060

(3) Any other existing or proposed credential or 63061

certificate program necessary to meet the workforce needs of the state, as determined by the office. 63062
63063

(B) Based on inquiries submitted under division (A) of this section, the governor's office of workforce transformation shall do either of the following: 63064
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63066

(1) Request information from the department of education and workforce regarding industry-recognized credentials approved under section 3313.6113 of the Revised Code; 63067
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(2) Request information from the chancellor regarding certificate programs and industry-recognized credentials included in the inventory prescribed under section 3333.94 of the Revised Code or offered by an institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code. 63070
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(C) Based on inquiries submitted under division (A) of this section, the governor's office of workforce transformation, in collaboration with the department of education and workforce, the chancellor, and other stakeholders, including regional education providers, determined appropriate by the office, shall convene a review of an existing or proposed industry-recognized credential or certificate program. The office shall submit the findings of the department of education and workforce or the chancellor, as appropriate, to the business that submitted the inquiry for which the review was initiated. 63076
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(D) Nothing in this section shall affect the responsibilities assigned under division (B) of section 3313.6113 of the Revised Code to the committee established under division (A) of that section or the responsibilities assigned to the chancellor under division (B) of section 3333.94 of the 63086
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Revised Code. 63091

Sec. 6301.23. (A) As used in this section: 63092

(1) "Ohio career-technical associations" includes all of 63093
the following: 63094

(a) The Ohio association of career and technical 63095
education; 63096

(b) The Ohio association of career-technical 63097
superintendents; 63098

(c) The Ohio association of comprehensive and compact 63099
career-technical schools. 63100

(2) "Other public school" has the same meaning as in 63101
section 3301.0711 of the Revised Code. 63102

(3) "State agency" has the same meaning as in section 1.60 63103
of the Revised Code. 63104

(B) ~~Not later than July 1, 2021, the~~ The governor's office 63105
of workforce transformation, the department of education, and 63106
workforce, and the chancellor of higher education, in 63107
consultation with Ohio career-technical associations and other 63108
appropriate stakeholders, shall develop model guidance for 63109
maintaining a statewide inventory of industry-recognized 63110
credentials. The guidance shall address the following: 63111

(1) Methods for state agencies to efficiently and 63112
effectively organize the different categories of industry- 63113
recognized credentials in a manner that allows students, school 63114
districts, other public schools, chartered nonpublic schools, 63115
and institutions of higher education to easily understand 63116
available credentialing options, based on the unique 63117
circumstances of each individual student; 63118

(2) The potential creation of a centralized, inter-agency database of information on all industry-recognized credentials that is accessible to the public; 63119
63120
63121

(3) Methods to streamline the process to add career-technical programs to the various approved credentialing lists; 63122
63123

(4) Methods to increase transparency in the approval process for industry-recognized credentials. 63124
63125

Section 4. That existing sections 5.224, 5.281, 9.231, 63126
9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 63127
109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40, 63128
121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 63129
133.061, 135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 63130
921.06, 2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 63131
2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 63132
2950.11, 2953.32, 3301.01, 3301.07, 3301.071, 3301.072, 63133
3301.075, 3301.076, 3301.078, 3301.079, 3301.0710, 3301.0711, 63134
3301.0712, 3301.0713, 3301.0714, 3301.0715, 3301.0716, 63135
3301.0717, 3301.0718, 3301.0719, 3301.0720, 3301.0721, 63136
3301.0723, 3301.0725, 3301.0726, 3301.0728, 3301.0730, 3301.10, 63137
3301.11, 3301.12, 3301.121, 3301.131, 3301.133, 3301.134, 63138
3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 3301.162, 63139
3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 3301.23, 3301.27, 63140
3301.28, 3301.30, 3301.311, 3301.40, 3301.45, 3301.49, 3301.52, 63141
3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 3301.56, 3301.57, 63142
3301.58, 3301.59, 3301.61, 3301.62, 3301.63, 3301.64, 3301.68, 63143
3301.70, 3301.80, 3301.81, 3301.923, 3301.94, 3301.941, 63144
3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 63145
3302.032, 3302.033, 3302.034, 3302.035, 3302.036, 3302.037, 63146
3302.038, 3302.039, 3302.04, 3302.041, 3302.042, 3302.043, 63147
3302.05, 3302.06, 3302.062, 3302.063, 3302.066, 3302.068, 63148

3302.07, 3302.09, 3302.10, 3302.103, 3302.11, 3302.12, 3302.13,	63149
3302.14, 3302.15, 3302.151, 3302.17, 3302.20, 3302.21, 3302.22,	63150
3302.25, 3302.26, 3302.41, 3302.42, 3303.02, 3303.04, 3303.05,	63151
3303.06, 3303.20, 3304.12, 3307.01, 3307.05, 3307.31, 3309.011,	63152
3309.48, 3309.491, 3309.51, 3310.01, 3310.02, 3310.03, 3310.031,	63153
3310.032, 3310.033, 3310.036, 3310.07, 3310.11, 3310.13,	63154
3310.14, 3310.15, 3310.16, 3310.17, 3310.41, 3310.411, 3310.42,	63155
3310.51, 3310.52, 3310.521, 3310.522, 3310.53, 3310.58, 3310.59,	63156
3310.62, 3310.63, 3310.64, 3310.70, 3311.056, 3311.08, 3311.16,	63157
3311.17, 3311.19, 3311.191, 3311.213, 3311.214, 3311.217,	63158
3311.218, 3311.521, 3311.53, 3311.60, 3311.71, 3311.74,	63159
3311.741, 3311.76, 3311.86, 3311.87, 3312.01, 3312.02, 3312.04,	63160
3312.07, 3312.08, 3312.09, 3312.13, 3313.03, 3313.25, 3313.30,	63161
3313.413, 3313.472, 3313.48, 3313.483, 3313.484, 3313.487,	63162
3313.488, 3313.489, 3313.4810, 3313.531, 3313.532, 3313.533,	63163
3313.534, 3313.5310, 3313.5312, 3313.5314, 3313.56, 3313.57,	63164
3313.60, 3313.603, 3313.605, 3313.608, 3313.6011, 3313.6013,	63165
3313.6015, 3313.6016, 3313.6019, 3313.6020, 3313.6024,	63166
3313.6027, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615,	63167
3313.618, 3313.619, 3313.6110, 3313.6111, 3313.6112, 3313.6113,	63168
3313.6114, 3313.64, 3313.642, 3313.643, 3313.644, 3313.645,	63169
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66, 3313.662,	63170
3313.671, 3313.674, 3313.71, 3313.7110, 3313.7111, 3313.7112,	63171
3313.7113, 3313.7114, 3313.7115, 3313.7116, 3313.81, 3313.811,	63172
3313.813, 3313.814, 3313.815, 3313.817, 3313.818, 3313.821,	63173
3313.843, 3313.844, 3313.845, 3313.846, 3313.90, 3313.902,	63174
3313.903, 3313.904, 3313.905, 3313.906, 3313.91, 3313.911,	63175
3313.92, 3313.941, 3313.97, 3313.974, 3313.975, 3313.976,	63176
3313.978, 3313.979, 3313.98, 3313.981, 3313.982, 3314.011,	63177
3314.012, 3314.013, 3314.015, 3314.016, 3314.017, 3314.02,	63178
3314.021, 3314.023, 3314.025, 3314.027, 3314.029, 3314.0211,	63179
3314.03, 3314.032, 3314.034, 3314.035, 3314.038, 3314.039,	63180

3314.041, 3314.05, 3314.06, 3314.072, 3314.074, 3314.08,	63181
3314.081, 3314.083, 3314.087, 3314.091, 3314.10, 3314.101,	63182
3314.11, 3314.12, 3314.143, 3314.144, 3314.147, 3314.17,	63183
3314.18, 3314.19, 3314.191, 3314.20, 3314.21, 3314.22, 3314.232,	63184
3314.24, 3314.26, 3314.27, 3314.271, 3314.28, 3314.29, 3314.35,	63185
3314.351, 3314.353, 3314.354, 3314.36, 3314.38, 3314.50,	63186
3314.51, 3315.18, 3315.181, 3315.33, 3315.34, 3315.35, 3316.03,	63187
3316.031, 3316.04, 3316.041, 3316.042, 3316.05, 3316.06,	63188
3316.08, 3316.20, 3317.01, 3317.011, 3317.012, 3317.014,	63189
3317.015, 3317.017, 3317.019, 3317.02, 3317.021, 3317.022,	63190
3317.023, 3317.024, 3317.025, 3317.026, 3317.028, 3317.0211,	63191
3317.0212, 3317.0213, 3317.0214, 3317.0215, 3317.0217,	63192
3317.0218, 3317.03, 3317.031, 3317.032, 3317.033, 3317.036,	63193
3317.037, 3317.05, 3317.051, 3317.06, 3317.061, 3317.062,	63194
3317.063, 3317.064, 3317.07, 3317.071, 3317.072, 3317.08,	63195
3317.081, 3317.082, 3317.09, 3317.10, 3317.11, 3317.12, 3317.13,	63196
3317.14, 3317.141, 3317.15, 3317.16, 3317.161, 3317.162,	63197
3317.164, 3317.18, 3317.19, 3317.201, 3317.23, 3317.231,	63198
3317.24, 3317.25, 3317.40, 3317.50, 3317.51, 3318.011, 3318.033,	63199
3318.051, 3318.08, 3318.084, 3318.18, 3318.363, 3318.42,	63200
3319.02, 3319.073, 3319.074, 3319.077, 3319.111, 3319.112,	63201
3319.113, 3319.143, 3319.151, 3319.16, 3319.161, 3319.22,	63202
3319.221, 3319.224, 3319.228, 3319.229, 3319.231, 3319.234,	63203
3319.235, 3319.236, 3319.25, 3319.262, 3319.263, 3319.28,	63204
3319.291, 3319.292, 3319.316, 3319.319, 3319.33, 3319.35,	63205
3319.361, 3319.39, 3319.391, 3319.393, 3319.40, 3319.44,	63206
3319.46, 3319.55, 3319.56, 3319.57, 3319.60, 3319.61, 3319.611,	63207
3319.612, 3319.613, 3321.01, 3321.03, 3321.04, 3321.07, 3321.09,	63208
3321.12, 3321.13, 3321.18, 3321.19, 3321.191, 3323.01, 3323.011,	63209
3323.02, 3323.021, 3323.022, 3323.03, 3323.04, 3323.041,	63210
3323.05, 3323.051, 3323.052, 3323.06, 3323.07, 3323.08, 3323.09,	63211
3323.091, 3323.13, 3323.14, 3323.141, 3323.142, 3323.15,	63212

3323.17, 3323.19, 3323.20, 3323.25, 3323.251, 3323.32, 3323.33, 63213
3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 3324.06, 3324.07, 63214
3324.08, 3324.09, 3324.10, 3324.11, 3325.01, 3325.011, 3325.02, 63215
3325.03, 3325.04, 3325.05, 3325.06, 3325.07, 3325.071, 3325.08, 63216
3325.09, 3325.11, 3325.12, 3325.13, 3325.14, 3325.16, 3325.17, 63217
3326.02, 3326.03, 3326.032, 3326.04, 3326.08, 3326.081, 3326.15, 63218
3326.17, 3326.211, 3326.23, 3326.28, 3326.30, 3326.32, 3326.34, 63219
3326.35, 3326.36, 3326.37, 3326.45, 3326.51, 3326.60, 3327.01, 63220
3327.011, 3327.012, 3327.018, 3327.02, 3327.021, 3327.05, 63221
3327.08, 3327.10, 3327.101, 3327.13, 3327.14, 3327.16, 3328.01, 63222
3328.02, 3328.04, 3328.11, 3328.12, 3328.13, 3328.15, 3328.18, 63223
3328.23, 3328.26, 3328.29, 3328.30, 3328.31, 3328.34, 3328.35, 63224
3328.37, 3328.38, 3328.45, 3328.50, 3329.01, 3329.03, 3329.10, 63225
3331.01, 3331.02, 3331.04, 3331.08, 3332.02, 3332.03, 3332.04, 63226
3333.04, 3333.041, 3333.048, 3333.0411, 3333.0415, 3333.07, 63227
3333.162, 3333.167, 3333.21, 3333.31, 3333.34, 3333.35, 3333.37, 63228
3333.39, 3333.391, 3333.43, 3333.66, 3333.70, 3333.82, 3333.86, 63229
3333.87, 3333.91, 3335.36, 3335.61, 3343.05, 3345.06, 3345.061, 63230
3345.062, 3345.86, 3353.02, 3365.01, 3365.02, 3365.03, 3365.032, 63231
3365.033, 3365.034, 3365.035, 3365.04, 3365.05, 3365.06, 63232
3365.07, 3365.071, 3365.08, 3365.09, 3365.091, 3365.10, 3365.12, 63233
3365.15, 3375.01, 3701.507, 3701.78, 3705.36, 3707.58, 3707.59, 63234
3734.62, 3737.22, 3742.32, 3745.21, 3781.106, 3781.11, 3798.01, 63235
4109.01, 4109.06, 4109.07, 4109.22, 4112.04, 4112.12, 4117.10, 63236
4117.102, 4141.01, 4141.47, 4506.09, 4506.10, 4507.21, 4508.01, 63237
4511.21, 4511.75, 4511.76, 4709.07, 4709.10, 4713.02, 4732.10, 63238
4732.22, 4735.09, 4742.02, 4742.03, 4742.05, 4742.06, 4742.07, 63239
4743.03, 4747.10, 4757.41, 4758.61, 4779.13, 5101.061, 5101.34, 63240
5103.02, 5103.08, 5103.13, 5103.55, 5104.01, 5104.015, 5104.02, 63241
5104.053, 5104.08, 5104.29, 5104.30, 5107.281, 5107.287, 63242
5107.40, 5107.62, 5120.031, 5120.07, 5120.091, 5123.022, 63243
5123.023, 5123.025, 5123.026, 5123.0423, 5126.04, 5126.05, 63244

5126.23, 5126.24, 5139.34, 5145.06, 5162.363, 5162.365, 63245
5502.262, 5502.263, 5513.04, 5703.21, 5705.216, 5705.391, 63246
5705.412, 5709.07, 5709.92, 5715.26, 5715.34, 5747.057, 5747.72, 63247
5753.11, 6109.21, 6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 63248
6301.21, 6301.22, and 6301.23 of the Revised Code are hereby 63249
repealed. 63250

Section 5. That sections 3301.13, 3302.101, and 3302.102 63251
of the Revised Code are hereby repealed. 63252

Section 6. That section 3319.22 of the Revised Code be 63253
amended to read as follows: 63254

Sec. 3319.22. (A) (1) The state board of education shall 63255
issue the following educator licenses: 63256

(a) A resident educator license, which shall be valid for 63257
two years and shall be renewable for reasons specified by rules 63258
adopted by the state board pursuant to division (A) (3) of this 63259
section. The state board, on a case-by-case basis, may extend 63260
the license's duration as necessary to enable the license holder 63261
to complete the Ohio teacher residency program established under 63262
section 3319.223 of the Revised Code; 63263

(b) A professional educator license, which shall be valid 63264
for five years and shall be renewable; 63265

(c) A senior professional educator license, which shall be 63266
valid for five years and shall be renewable; 63267

(d) A lead professional educator license, which shall be 63268
valid for five years and shall be renewable. 63269

Licenses issued under division (A) (1) of this section on 63270
and after November 2, 2018, shall specify whether the educator 63271
is licensed to teach grades pre-kindergarten through five, 63272

grades four through nine, or grades seven through twelve. The 63273
changes to the grade band specifications under this amendment 63274
shall not apply to a person who holds a license under division 63275
(A) (1) of this section prior to November 2, 2018. Further, the 63276
changes to the grade band specifications under this amendment 63277
shall not apply to any license issued to teach in the area of 63278
computer information science, bilingual education, dance, drama 63279
or theater, world language, health, library or media, music, 63280
physical education, teaching English to speakers of other 63281
languages, career-technical education, or visual arts or to any 63282
license issued to an intervention specialist, including a gifted 63283
intervention specialist, or to any other license that does not 63284
align to the grade band specifications. 63285

(2) The state board may issue any additional educator 63286
licenses of categories, types, and levels the board elects to 63287
provide. 63288

(3) The state board shall adopt rules establishing the 63289
standards and requirements for obtaining each educator license 63290
issued under this section. The rules shall also include the 63291
reasons for which a resident educator license may be renewed 63292
under division (A) (1) (a) of this section. 63293

(B) The rules adopted under this section shall require at 63294
least the following standards and qualifications for the 63295
educator licenses described in division (A) (1) of this section: 63296

(1) An applicant for a resident educator license shall 63297
hold at least a bachelor's degree from an accredited teacher 63298
preparation program or be a participant in the teach for America 63299
program and meet the qualifications required under section 63300
3319.227 of the Revised Code. 63301

(2) An applicant for a professional educator license	63302
shall:	63303
(a) Hold at least a bachelor's degree from an institution	63304
of higher education accredited by a regional accrediting	63305
organization;	63306
(b) Have successfully completed the Ohio teacher residency	63307
program established under section 3319.223 of the Revised Code,	63308
if the applicant's current or most recently issued license is a	63309
resident educator license issued under this section or an	63310
alternative resident educator license issued under section	63311
3319.26 of the Revised Code.	63312
(3) An applicant for a senior professional educator	63313
license shall:	63314
(a) Hold at least a master's degree from an institution of	63315
higher education accredited by a regional accrediting	63316
organization;	63317
(b) Have previously held a professional educator license	63318
issued under this section or section 3319.222 or under former	63319
section 3319.22 of the Revised Code;	63320
(c) Meet the criteria for the accomplished or	63321
distinguished level of performance, as described in the	63322
standards for teachers adopted by the state board under section	63323
3319.61 of the Revised Code.	63324
(4) An applicant for a lead professional educator license	63325
shall:	63326
(a) Hold at least a master's degree from an institution of	63327
higher education accredited by a regional accrediting	63328
organization;	63329

(b) Have previously held a professional educator license 63330
or a senior professional educator license issued under this 63331
section or a professional educator license issued under section 63332
3319.222 or former section 3319.22 of the Revised Code; 63333

(c) Meet the criteria for the distinguished level of 63334
performance, as described in the standards for teachers adopted 63335
by the state board under section 3319.61 of the Revised Code; 63336

(d) Either hold a valid certificate issued by the national 63337
board for professional teaching standards or meet the criteria 63338
for a master teacher or other criteria for a lead teacher 63339
adopted by the educator standards board under division (F) (4) or 63340
(5) of section 3319.61 of the Revised Code. 63341

(C) The state board shall align the standards and 63342
qualifications for obtaining a principal license with the 63343
standards for principals adopted by the state board under 63344
section 3319.61 of the Revised Code. 63345

(D) If the state board requires any examinations for 63346
educator licensure, the ~~department of education state board~~ 63347
shall provide the results of such examinations received by the 63348
~~department state board~~ to the chancellor of higher education, in 63349
the manner and to the extent permitted by state and federal law. 63350

(E) Any rules the state board of education adopts, amends, 63351
or rescinds for educator licenses under this section, ~~division~~ 63352
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 63353
shall be adopted, amended, or rescinded under Chapter 119. of 63354
the Revised Code except as follows: 63355

(1) Notwithstanding division (E) of section 119.03 and 63356
division (A) (1) of section 119.04 of the Revised Code, in the 63357
case of the adoption of any rule or the amendment or rescission 63358

of any rule that necessitates institutions' offering preparation 63359
programs for educators and other school personnel that are 63360
approved by the chancellor of higher education under section 63361
3333.048 of the Revised Code to revise the curriculum of those 63362
programs, the effective date shall not be as prescribed in 63363
division (E) of section 119.03 and division (A)(1) of section 63364
119.04 of the Revised Code. Instead, the effective date of such 63365
rules, or the amendment or rescission of such rules, shall be 63366
the date prescribed by section 3333.048 of the Revised Code. 63367

(2) Notwithstanding the authority to adopt, amend, or 63368
rescind emergency rules in division (G) of section 119.03 of the 63369
Revised Code, this authority shall not apply to the state board 63370
of education with regard to rules for educator licenses. 63371

(F)(1) The rules adopted under this section establishing 63372
standards requiring additional coursework for the renewal of any 63373
educator license shall require a school district and a chartered 63374
nonpublic school to establish local professional development 63375
committees. In a nonpublic school, the chief administrative 63376
officer shall establish the committees in any manner acceptable 63377
to such officer. The committees established under this division 63378
shall determine whether coursework that a district or chartered 63379
nonpublic school teacher proposes to complete meets the 63380
requirement of the rules. The department of education shall 63381
provide technical assistance and support to committees as the 63382
committees incorporate the professional development standards 63383
adopted by the state board of education pursuant to section 63384
3319.61 of the Revised Code into their review of coursework that 63385
is appropriate for license renewal. The rules shall establish a 63386
procedure by which a teacher may appeal the decision of a local 63387
professional development committee. 63388

(2) In any school district in which there is no exclusive 63389
representative established under Chapter 4117. of the Revised 63390
Code, the professional development committees shall be 63391
established as described in division (F) (2) of this section. 63392

Not later than the effective date of the rules adopted 63393
under this section, the board of education of each school 63394
district shall establish the structure for one or more local 63395
professional development committees to be operated by such 63396
school district. The committee structure so established by a 63397
district board shall remain in effect unless within thirty days 63398
prior to an anniversary of the date upon which the current 63399
committee structure was established, the board provides notice 63400
to all affected district employees that the committee structure 63401
is to be modified. Professional development committees may have 63402
a district-level or building-level scope of operations, and may 63403
be established with regard to particular grade or age levels for 63404
which an educator license is designated. 63405

Each professional development committee shall consist of 63406
at least three classroom teachers employed by the district, one 63407
principal employed by the district, and one other employee of 63408
the district appointed by the district superintendent. For 63409
committees with a building-level scope, the teacher and 63410
principal members shall be assigned to that building, and the 63411
teacher members shall be elected by majority vote of the 63412
classroom teachers assigned to that building. For committees 63413
with a district-level scope, the teacher members shall be 63414
elected by majority vote of the classroom teachers of the 63415
district, and the principal member shall be elected by a 63416
majority vote of the principals of the district, unless there 63417
are two or fewer principals employed by the district, in which 63418
case the one or two principals employed shall serve on the 63419

committee. If a committee has a particular grade or age level 63420
scope, the teacher members shall be licensed to teach such grade 63421
or age levels, and shall be elected by majority vote of the 63422
classroom teachers holding such a license and the principal 63423
shall be elected by all principals serving in buildings where 63424
any such teachers serve. The district superintendent shall 63425
appoint a replacement to fill any vacancy that occurs on a 63426
professional development committee, except in the case of 63427
vacancies among the elected classroom teacher members, which 63428
shall be filled by vote of the remaining members of the 63429
committee so selected. 63430

Terms of office on professional development committees 63431
shall be prescribed by the district board establishing the 63432
committees. The conduct of elections for members of professional 63433
development committees shall be prescribed by the district board 63434
establishing the committees. A professional development 63435
committee may include additional members, except that the 63436
majority of members on each such committee shall be classroom 63437
teachers employed by the district. Any member appointed to fill 63438
a vacancy occurring prior to the expiration date of the term for 63439
which a predecessor was appointed shall hold office as a member 63440
for the remainder of that term. 63441

The initial meeting of any professional development 63442
committee, upon election and appointment of all committee 63443
members, shall be called by a member designated by the district 63444
superintendent. At this initial meeting, the committee shall 63445
select a chairperson and such other officers the committee deems 63446
necessary, and shall adopt rules for the conduct of its 63447
meetings. Thereafter, the committee shall meet at the call of 63448
the chairperson or upon the filing of a petition with the 63449
district superintendent signed by a majority of the committee 63450

members calling for the committee to meet. 63451

(3) In the case of a school district in which an exclusive 63452
representative has been established pursuant to Chapter 4117. of 63453
the Revised Code, professional development committees shall be 63454
established in accordance with any collective bargaining 63455
agreement in effect in the district that includes provisions for 63456
such committees. 63457

If the collective bargaining agreement does not specify a 63458
different method for the selection of teacher members of the 63459
committees, the exclusive representative of the district's 63460
teachers shall select the teacher members. 63461

If the collective bargaining agreement does not specify a 63462
different structure for the committees, the board of education 63463
of the school district shall establish the structure, including 63464
the number of committees and the number of teacher and 63465
administrative members on each committee; the specific 63466
administrative members to be part of each committee; whether the 63467
scope of the committees will be district levels, building 63468
levels, or by type of grade or age levels for which educator 63469
licenses are designated; the lengths of terms for members; the 63470
manner of filling vacancies on the committees; and the frequency 63471
and time and place of meetings. However, in all cases, except as 63472
provided in division (F) (4) of this section, there shall be a 63473
majority of teacher members of any professional development 63474
committee, there shall be at least five total members of any 63475
professional development committee, and the exclusive 63476
representative shall designate replacement members in the case 63477
of vacancies among teacher members, unless the collective 63478
bargaining agreement specifies a different method of selecting 63479
such replacements. 63480

(4) Whenever an administrator's coursework plan is being 63481
discussed or voted upon, the local professional development 63482
committee shall, at the request of one of its administrative 63483
members, cause a majority of the committee to consist of 63484
administrative members by reducing the number of teacher members 63485
voting on the plan. 63486

(G) (1) The department of education and workforce, 63487
educational service centers, county boards of developmental 63488
disabilities, college and university departments of education, 63489
head start programs, and the Ohio education computer network may 63490
establish local professional development committees to determine 63491
whether the coursework proposed by their employees who are 63492
licensed or certificated under this section or section 3319.222 63493
of the Revised Code, or under the former version of either 63494
section as it existed prior to October 16, 2009, meet the 63495
requirements of the rules adopted under this section. They may 63496
establish local professional development committees on their own 63497
or in collaboration with a school district or other agency 63498
having authority to establish them. 63499

Local professional development committees established by 63500
county boards of developmental disabilities shall be structured 63501
in a manner comparable to the structures prescribed for school 63502
districts in divisions (F) (2) and (3) of this section, as shall 63503
the committees established by any other entity specified in 63504
division (G) (1) of this section that provides educational 63505
services by employing or contracting for services of classroom 63506
teachers licensed or certificated under this section or section 63507
3319.222 of the Revised Code, or under the former version of 63508
either section as it existed prior to October 16, 2009. All 63509
other entities specified in division (G) (1) of this section 63510
shall structure their committees in accordance with guidelines 63511

which shall be issued by the ~~state board~~ department. 63512

(2) Educational service centers may establish local 63513
professional development committees to serve educators who are 63514
not employed in schools in this state, including pupil services 63515
personnel who are licensed under this section. Local 63516
professional development committees shall be structured in a 63517
manner comparable to the structures prescribed for school 63518
districts in divisions (F) (2) and (3) of this section. 63519

These committees may agree to review the coursework, 63520
continuing education units, or other equivalent activities 63521
related to classroom teaching or the area of licensure that is 63522
proposed by an individual who satisfies both of the following 63523
conditions: 63524

(a) The individual is licensed or certificated under this 63525
section or under the former version of this section as it 63526
existed prior to October 16, 2009. 63527

(b) The individual is not currently employed as an 63528
educator or is not currently employed by an entity that operates 63529
a local professional development committee under this section. 63530

Any committee that agrees to work with such an individual 63531
shall work to determine whether the proposed coursework, 63532
continuing education units, or other equivalent activities meet 63533
the requirements of the rules adopted by the state board under 63534
this section. 63535

(3) Any public agency that is not specified in division 63536
(G) (1) or (2) of this section but provides educational services 63537
and employs or contracts for services of classroom teachers 63538
licensed or certificated under this section or section 3319.222 63539
of the Revised Code, or under the former version of either 63540

section as it existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education and workforce. The committee shall be structured in accordance with guidelines issued by the ~~state board~~ department.

(H) Not later than July 1, 2016, the state board, in accordance with Chapter 119. of the Revised Code, shall adopt rules pursuant to division (A) (3) of this section that do both of the following:

(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or section 3319.26 of the Revised Code. The rules also shall specify that such teachers are exempt from any requirements prescribed by professional development committees established under divisions (F) and (G) of this section.

(2) For purposes of division (H) (1) of this section, the state board shall define the term "consistently high-performing teacher."

Section 7. That existing section 3319.22 of the Revised Code is hereby repealed.

Section 8. Sections 6 and 7 of this act take effect April 12, 2023.

Section 9. (A) On the effective date of this section, the Department of Education is hereby renamed as the Department of Education and Workforce, as prescribed by new section 3301.13 of the Revised Code as enacted by this act.

(B) On and after the effective date of this section, all powers and duties vested in the State Board of Education and the

Superintendent of Public Instruction terminate, except as 63570
described in section 3301.111 of the Revised Code. Any business 63571
commenced but not completed on the effective date of this 63572
section by the State Board of Education or the State 63573
Superintendent of Public Instruction shall be completed by the 63574
Department of Education and Workforce in the same manner, and 63575
with the same effect, as if completed by the State Board of 63576
Education or the State Superintendent of Public Instruction. 63577

(C) (1) On or after the effective date of this section, all 63578
employees of the Department of Education and Workforce necessary 63579
for the State Board of Education to perform its powers and 63580
duties, as described in section 3301.111 of the Revised Code, 63581
are hereby transferred to the State Board. Subject to the lay- 63582
off provisions of sections 124.321 to 124.328 of the Revised 63583
Code, employees who are transferred retain their same positions 63584
and all benefits accruing thereto. Once transferred to the State 63585
Board, changes to positions or benefits for employees not 63586
subject to Chapter 4117. of the Revised Code shall be controlled 63587
by Chapter 124. of the Revised Code, or other applicable revised 63588
and administrative code sections. 63589

(2) On the effective date of this section, the assets, 63590
equipment, records, documents, files, and other materials, 63591
irrespective of form or medium, of the Department of Education 63592
and Workforce necessary for the State Board of Education to 63593
perform its duties and powers, as described in section 3301.111 63594
of the Revised Code, are transferred to the State Board. 63595

(D) (1) No validation, cure, right, privilege, remedy, 63596
obligation, or liability is lost or impaired by reason of the 63597
transfer required by this section but shall be administered by 63598
the Director of Education and Workforce or Department of 63599

Education and Workforce. Any action or proceeding pending on the 63600
effective date of this section may be prosecuted or defended in 63601
the name of the Department of Education and Workforce. In all 63602
such actions or proceedings, the Department of Education and 63603
Workforce shall be substituted as a party upon application to 63604
the court or other tribunal. 63605

(2) Except with regard to matters related to the 63606
statutorily prescribed powers and duties of the State Board of 63607
Education as described in section 3301.111 of the Revised Code, 63608
whenever the Department of Education, the State Board of 63609
Education, or the Superintendent of Public Instruction is 63610
referred to in any law, contract, or other document, the 63611
reference shall be deemed to refer to the Department of 63612
Education and Workforce or the Director of Education and 63613
Workforce, whichever is appropriate in context. 63614

(E) All rules, orders, and determinations made or 63615
undertaken by the Superintendent of Public Instruction or the 63616
State Board of Education relating to the powers and duties 63617
transferred to the Department or Director of Education and 63618
Workforce continue in effect as rules, orders, and 63619
determinations of the Department of Education and Workforce 63620
until modified or rescinded by the Director of Education and 63621
Workforce. On or after the effective date of this section, if 63622
necessary to ensure the integrity of the numbering of the 63623
Administrative Code, and to the extent permitted by statute, the 63624
Director of the Legislative Service Commission shall renumber 63625
the rules of the Department of Education, Superintendent of 63626
Public Instruction, or the State Board of Education to reflect 63627
its respective transfer to the Department or Director of 63628
Education and Workforce pursuant to the provisions of law 63629
enacted herein. 63630

This division does not affect the rules of the State Board of Education regarding the statutorily prescribed powers and duties of the State Board as described in section 3301.111 of the Revised Code.

(F) On or after the effective date of this section, pursuant to section 126.15 of the Revised Code, the Director of Budget and Management shall transfer the balance of all appropriations made related to the statutorily prescribed powers and duties of the State Board of Education, as described in section 3301.111 of the Revised Code, from the Department of Education and Workforce to the State Board for the same purpose as appropriated to the Department of Education and Workforce.

(G) The Director of Education and Workforce, the Department of Education and Workforce, the State Board of Education, and the Superintendent of Public Instruction shall complete any action necessary to implement the provisions of this act regarding the transfer of powers described in this section not later than June 30, 2023.

Section 10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.71 of the Revised Code as amended by H.B. 49, H.B. 79, and S.B. 229, all of the 132nd General Assembly.

Section 121.95 of the Revised Code as amended by both H.B.

29 and S.B. 9 of the 134th General Assembly.	63660
Section 135.142 of the Revised Code as amended by both H.B. 197 and S.B. 276 of the 133rd General Assembly.	63661 63662
Section 2151.353 of the Revised Code as amended by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd General Assembly, and H.B. 50 and H.B. 158, both of the 131st General Assembly.	63663 63664 63665 63666
Section 2953.32 of the Revised Code as amended by H.B. 1, H.B. 431, and S.B. 10, all of the 133rd General Assembly.	63667 63668
Section 3301.0712 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63669 63670
Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63671 63672
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	63673 63674
Section 3302.04 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63675 63676
Section 3311.741 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63677 63678
Section 3313.25 of the Revised Code as amended by both H.B. 291 and H.B. 491 of the 132nd General Assembly.	63679 63680
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.	63681 63682
Section 3314.02 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63683 63684
Section 3314.05 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	63685 63686

Section 3319.02 of the Revised Code as amended by both	63687
H.B. 525 and S.B. 316 of the 129th General Assembly.	63688
The version of section 3319.22 of the Revised Code	63689
effective until April 12, 2023, as amended by both H.B. 438 and	63690
S.B. 216 of the 132nd General Assembly.	63691
Section 4757.41 of the Revised Code as amended by both	63692
H.B. 158 and H.B. 230 of the 131st General Assembly.	63693
Section 5703.21 of the Revised Code as amended by H.B. 29,	63694
H.B. 74, H.B. 110, and H.B. 172 of the 134th General Assembly	63695
and H.B. 166 of the 133rd General Assembly.	63696
Section 11. Section 3313.5318 of the Revised Code as	63697
enacted by this act shall be known as the Save Women's Sports	63698
Act.	63699
Section 12. Section 3319.223 of the Revised Code as	63700
amended by this act takes effect on the later of April 12, 2023,	63701
or the effective date of this section. (April 12, 2023, is the	63702
effective date of an earlier amendment to that section by H.B.	63703
442 of the 133rd General Assembly.)	63704
Sections 3314.03, 3319.26, and 3326.11 as amended by this	63705
act and section 3319.225 of the Revised Code as enacted by this	63706
act take effect on the later of April 12, 2023, or the effective	63707
date of this section.	63708