

Am. Sub. H.B. 166
As Passed by the Senate
EDUCD71

_____ moved to amend as follows:

In line 199 of the title, after the semicolon insert "to
amend sections 921.06, 955.43, 3301.07, 3301.071, 3301.0711,
3301.16, 3301.162, 3301.164, 3301.52, 3301.541, 3302.07, 3302.41,
3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 3313.41, 3313.48,
3313.481, 3313.482, 3313.536, 3313.539, 3313.5311, 3313.603,
3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111,
3313.7112, 3313.7114, 3313.813, 3313.86, 3313.976, 3317.024,
3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 3319.311, 3319.313,
3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52,
3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07,
3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 4729.513,
4729.541, 5104.01, 5104.02, and 5139.18 and to enact section
3301.165 of the Revised Code;"

After line 82929, insert:

"**Section 130.____.** That sections 921.06, 955.43, 3301.07,
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52,
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05,
3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539,
3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718,
3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86,

3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 21
 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 22
 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 23
 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 24
 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 25
 5139.18 be amended and section 3301.165 of the Revised Code be 26
 enacted to read as follows: 27

Sec. 921.06. (A)(1) No individual shall do any of the 28
 following without having a commercial applicator license issued by 29
 the director of agriculture: 30

(a) Apply pesticides for a pesticide business without direct 31
 supervision; 32

(b) Apply pesticides as part of the individual's duties while 33
 acting as an employee of the United States government, a state, 34
 county, township, or municipal corporation, or a park district, 35
 port authority, or sanitary district created under Chapter 1545., 36
 4582., or 6115. of the Revised Code, respectively; 37

(c) Apply restricted use pesticides. Division (A)(1)(c) of 38
 this section does not apply to a private applicator or an 39
 immediate family member or a subordinate employee of a private 40
 applicator who is acting under the direct supervision of that 41
 private applicator. 42

(d) If the individual is the owner of a business other than a 43
 pesticide business or an employee of such an owner, apply 44
 pesticides at any of the following publicly accessible sites that 45
 are located on the property: 46

(i) Food service operations that are licensed under Chapter 47
 3717. of the Revised Code; 48

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	49 50
(iii) Golf courses;	51
(iv) Rental properties of more than four apartment units at one location;	52 53
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	54 55
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	56 57
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education, <u>or an accredited nonpublic school as described in section 3301.165 of the Revised Code;</u>	58 59 60 61 62 63 64
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	65 66 67 68 69 70 71 72 73 74
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	75 76
(x) Any other site designated by rule.	77

(e) Conduct authorized diagnostic inspections.	78
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	79 80 81
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	82 83 84 85 86 87 88 89 90 91 92
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	93 94 95 96
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.	97 98 99 100 101 102
(C) If the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director	103 104 105 106 107

shall issue a commercial applicator license limited to the 108
pesticide-use category or categories for which the applicant is 109
found to be competent. If the director rejects an application, the 110
director may explain why the application was rejected, describe 111
the additional requirements necessary for the applicant to obtain 112
a license, and return the application. The applicant may resubmit 113
the application without payment of any additional fee. 114

(D)(1) A person who is a commercial applicator shall be 115
deemed to hold a private applicator's license for purposes of 116
applying pesticides on agricultural commodities that are produced 117
by the commercial applicator. 118

(2) A commercial applicator shall apply pesticides only in 119
the pesticide-use category or categories in which the applicator 120
is licensed under this chapter. 121

(E) All money collected under this section shall be credited 122
to the pesticide, fertilizer, and lime program fund created in 123
section 921.22 of the Revised Code. 124

Sec. 955.43. (A) When either a blind, deaf or hearing 125
impaired, or mobility impaired person or a trainer of an 126
assistance dog is accompanied by an assistance dog, the person or 127
the trainer, as applicable, is entitled to the full and equal 128
accommodations, advantages, facilities, and privileges of all 129
public conveyances, hotels, lodging places, all places of public 130
accommodation, amusement, or resort, all institutions of 131
education, and other places to which the general public is 132
invited, and may take the dog into such conveyances and places, 133
subject only to the conditions and limitations applicable to all 134
persons not so accompanied, except that: 135

(1) The dog shall not occupy a seat in any public conveyance. 136

(2) The dog shall be upon a leash while using the facilities of a common carrier.	137 138
(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.	139 140 141 142 143
(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog.	144 145 146 147 148 149
(C) As used in this section, "institutions of education" means:	150 151
(1) Any state university or college as defined in section 3345.32 of the Revised Code;	152 153
(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	154 155 156
(3) Any elementary or secondary school operated by a board of education;	157 158
(4) Any chartered, <u>accredited</u> , or nonchartered nonpublic elementary or secondary school + . <u>As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	159 160 161 162
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	163 164

Sec. 3301.07. The state board of education shall exercise 165
 under the acts of the general assembly general supervision of the 166
 system of public education in the state. In addition to the powers 167
 otherwise imposed on the state board under the provisions of law, 168
 the board shall have the powers described in this section. 169

(A) The state board shall exercise policy forming, planning, 170
 and evaluative functions for the public schools of the state 171
 except as otherwise provided by law. 172

(B)(1) The state board shall exercise leadership in the 173
 improvement of public education in this state, and administer the 174
 educational policies of this state relating to public schools, and 175
 relating to instruction and instructional material, building and 176
 equipment, transportation of pupils, administrative 177
 responsibilities of school officials and personnel, and finance 178
 and organization of school districts, educational service centers, 179
 and territory. Consultative and advisory services in such matters 180
 shall be provided by the board to school districts and educational 181
 service centers of this state. 182

(2) The state board also shall develop a standard of 183
 financial reporting which shall be used by each school district 184
 board of education and each governing board of an educational 185
 service center, each governing authority of a community school 186
 established under Chapter 3314., each governing body of a STEM 187
 school established under Chapter 3328., and each board of trustees 188
 of a college-preparatory boarding school established under Chapter 189
 3328. of the Revised Code to make its financial information and 190
 annual budgets for each school building under its control 191
 available to the public in a format understandable by the average 192
 citizen. The format shall show, both at the district and at the 193
 school building level, revenue by source; expenditures for 194

salaries, wages, and benefits of employees, showing such amounts 195
separately for classroom teachers, other employees required to 196
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 197
the Revised Code, and all other employees; expenditures other than 198
for personnel, by category, including utilities, textbooks and 199
other educational materials, equipment, permanent improvements, 200
pupil transportation, extracurricular athletics, and other 201
extracurricular activities; and per pupil expenditures. The format 202
shall also include information on total revenue and expenditures, 203
per pupil revenue, and expenditures for both classroom and 204
nonclassroom purposes, as defined by the standards adopted under 205
section 3302.20 of the Revised Code in the aggregate and for each 206
subgroup of students, as defined by section 3317.40 of the Revised 207
Code, that receives services provided for by state or federal 208
funding. 209

(3) Each school district board, governing authority, 210
governing body, or board of trustees, or its respective designee, 211
shall annually report, to the department of education, all 212
financial information required by the standards for financial 213
reporting, as prescribed by division (B)(2) of this section and 214
adopted by the state board. The department shall make all reports 215
submitted pursuant to this division available in such a way that 216
allows for comparison between financial information included in 217
these reports and financial information included in reports 218
produced prior to July 1, 2013. The department shall post these 219
reports in a prominent location on its web site and shall notify 220
each school when reports are made available. 221

(C) The state board shall administer and supervise the 222
allocation and distribution of all state and federal funds for 223
public school education under the provisions of law, and may 224
prescribe such systems of accounting as are necessary and proper 225

to this function. It may require county auditors and treasurers, 226
 boards of education, educational service center governing boards, 227
 treasurers of such boards, teachers, and other school officers and 228
 employees, or other public officers or employees, to file with it 229
 such reports as it may prescribe relating to such funds, or to the 230
 management and condition of such funds. 231

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 232
 XLVII, and LI of the Revised Code a reference is made to standards 233
 prescribed under this section or division (D) of this section, 234
 that reference shall be construed to refer to the standards 235
 prescribed under division (D)(2) of this section, unless the 236
 context specifically indicates a different meaning or intent. 237

(2) The state board shall formulate and prescribe minimum 238
 standards to be applied to all elementary and secondary schools in 239
 this state for the purpose of providing children access to a 240
 general education of high quality according to the learning needs 241
 of each individual, including students with disabilities, 242
 economically disadvantaged students, limited English proficient 243
 students, and students identified as gifted. Such standards shall 244
 provide adequately for: the licensing of teachers, administrators, 245
 and other professional personnel and their assignment according to 246
 training and qualifications; efficient and effective instructional 247
 materials and equipment, including library facilities; the proper 248
 organization, administration, and supervision of each school, 249
 including regulations for preparing all necessary records and 250
 reports and the preparation of a statement of policies and 251
 objectives for each school; the provision of safe buildings, 252
 grounds, health and sanitary facilities and services; admission of 253
 pupils, and such requirements for their promotion from grade to 254
 grade as will assure that they are capable and prepared for the 255
 level of study to which they are certified; requirements for 256

graduation; and such other factors as the board finds necessary. 257

The state board shall base any standards governing the 258
promotion of students or requirements for graduation on the 259
ability of students, at any grade level, to earn credits or 260
advance upon demonstration of mastery of knowledge and skills 261
through competency-based learning models. Credits of grade level 262
advancement shall not require a minimum number of days or hours in 263
a classroom. 264

The state board shall base any standards governing the 265
assignment of staff on ensuring each school has a sufficient 266
number of teachers to ensure a student has an appropriate level of 267
interaction to meet each student's personal learning goals. 268

In the formulation and administration of such standards for 269
nonpublic schools the board shall also consider the particular 270
needs, methods and objectives of those schools, provided they do 271
not conflict with the provision of a general education of a high 272
quality and provided that regular procedures shall be followed for 273
promotion from grade to grade of pupils who have met the 274
educational requirements prescribed. 275

All chartered, nonchartered, and accredited nonpublic schools 276
shall comply with the minimum education standards adopted by the 277
state board under this division. However, the state board shall 278
not prescribe additional operating standards for nonchartered or 279
accredited nonpublic schools. As used in this section, "accredited 280
nonpublic school" means an accredited nonpublic school as 281
described in section 3301.165 of the Revised Code. 282

(3) In addition to the minimum standards required by division 283
(D)(2) of this section, the state board may formulate and 284
prescribe the following additional minimum operating standards for 285
school districts: 286

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

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

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

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and

joint vocational school district boards of education; 317

(F) The state board shall prepare and submit annually to the 318
governor and the general assembly a report on the status, needs, 319
and major problems of the public schools of the state, with 320
recommendations for necessary legislative action and a ten-year 321
projection of the state's public and nonpublic school enrollment, 322
by year and by grade level. 323

(G) The state board shall prepare and submit to the director 324
of budget and management the biennial budgetary requests of the 325
state board of education, for its agencies and for the public 326
schools of the state. 327

(H) The state board shall cooperate with federal, state, and 328
local agencies concerned with the health and welfare of children 329
and youth of the state. 330

(I) The state board shall require such reports from school 331
districts and educational service centers, school officers, and 332
employees as are necessary and desirable. The superintendents and 333
treasurers of school districts and educational service centers 334
shall certify as to the accuracy of all reports required by law or 335
state board or state department of education rules to be submitted 336
by the district or educational service center and which contain 337
information necessary for calculation of state funding. Any 338
superintendent who knowingly falsifies such report shall be 339
subject to license revocation pursuant to section 3319.31 of the 340
Revised Code. 341

(J) In accordance with Chapter 119. of the Revised Code, the 342
state board shall adopt procedures, standards, and guidelines for 343
the education of children with disabilities pursuant to Chapter 344
3323. of the Revised Code, including procedures, standards, and 345
guidelines governing programs and services operated by county 346

boards of developmental disabilities pursuant to section 3323.09 347
of the Revised Code. 348

(K) For the purpose of encouraging the development of special 349
programs of education for academically gifted children, the state 350
board shall employ competent persons to analyze and publish data, 351
promote research, advise and counsel with boards of education, and 352
encourage the training of teachers in the special instruction of 353
gifted children. The board may provide financial assistance out of 354
any funds appropriated for this purpose to boards of education and 355
educational service center governing boards for developing and 356
conducting programs of education for academically gifted children. 357

(L) The state board shall require that all public schools 358
emphasize and encourage, within existing units of study, the 359
teaching of energy and resource conservation as recommended to 360
each district board of education by leading business persons 361
involved in energy production and conservation, beginning in the 362
primary grades. 363

(M) The state board shall formulate and prescribe minimum 364
standards requiring the use of phonics as a technique in the 365
teaching of reading in grades kindergarten through three. In 366
addition, the state board shall provide in-service training 367
programs for teachers on the use of phonics as a technique in the 368
teaching of reading in grades kindergarten through three. 369

(N) The state board may adopt rules necessary for carrying 370
out any function imposed on it by law, and may provide rules as 371
are necessary for its government and the government of its 372
employees, and may delegate to the superintendent of public 373
instruction the management and administration of any function 374
imposed on it by law. It may provide for the appointment of board 375
members to serve on temporary committees established by the board 376

for such purposes as are necessary. Permanent or standing committees shall not be created. 377
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(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver. 379
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Sec. 3301.071. (A)(1) In the case of nontax-supported schools other than accredited nonpublic schools, as described in section 3301.165 of the Revised Code, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing. Standards for certification of any administrator, supervisor, or teacher of an accredited nonpublic school shall require compliance with the educational qualifications prescribed by the independent schools association of the central states. 392
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However, nothing in this section exempts an accredited nonpublic school from the requirement that each applicant undergo a criminal records check under section 3319.39 of the Revised Code.

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

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

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

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

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

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

(B) Each person applying for a certificate under this section

for purposes of serving in a nonpublic school chartered by the
state board under section 3301.16 of the Revised Code shall pay a
fee in the amount established under division (A) of section
3319.51 of the Revised Code. Any fees received under this division
shall be paid into the state treasury to the credit of the state
board of education certification fund established under division
(B) of section 3319.51 of the Revised Code.

(C) A person applying for or holding any certificate pursuant
to this section for purposes of serving in a nonpublic school
chartered by the state board is subject to sections 3123.41 to
3123.50 of the Revised Code and any applicable rules adopted under
section 3123.63 of the Revised Code and sections 3319.31 and
3319.311 of the Revised Code.

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

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

(1) Annually furnish to, grade, and score all assessments
required by divisions (A)(1) and (B)(1) of section 3301.0710 of
the Revised Code to be administered by city, local, exempted
village, and joint vocational school districts, except that each
district shall score any assessment administered pursuant to
division (B)(10) of this section. Each assessment so furnished
shall include the data verification code of the student to whom
the assessment will be administered, as assigned pursuant to
division (D)(2) of section 3301.0714 of the Revised Code. In
furnishing the practice versions of Ohio graduation tests
prescribed by division (D) of section 3301.0710 of the Revised

Code, the department shall make the tests available on its web 465
site for reproduction by districts. In awarding contracts for 466
grading assessments, the department shall give preference to 467
Ohio-based entities employing Ohio residents. 468

(2) Adopt rules for the ethical use of assessments and 469
prescribing the manner in which the assessments prescribed by 470
section 3301.0710 of the Revised Code shall be administered to 471
students. 472

(B) Except as provided in divisions (C) and (J) of this 473
section, the board of education of each city, local, and exempted 474
village school district shall, in accordance with rules adopted 475
under division (A) of this section: 476

(1) Administer the English language arts assessments 477
prescribed under division (A)(1)(a) of section 3301.0710 of the 478
Revised Code twice annually to all students in the third grade who 479
have not attained the score designated for that assessment under 480
division (A)(2)(c) of section 3301.0710 of the Revised Code. 481

(2) Administer the mathematics assessment prescribed under 482
division (A)(1)(a) of section 3301.0710 of the Revised Code at 483
least once annually to all students in the third grade. 484

(3) Administer the assessments prescribed under division 485
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 486
annually to all students in the fourth grade. 487

(4) Administer the assessments prescribed under division 488
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 489
annually to all students in the fifth grade. 490

(5) Administer the assessments prescribed under division 491
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 492
annually to all students in the sixth grade. 493

(6) Administer the assessments prescribed under division	494
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	495
annually to all students in the seventh grade.	496
(7) Administer the assessments prescribed under division	497
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	498
annually to all students in the eighth grade.	499
(8) Except as provided in division (B)(9) of this section,	500
administer any assessment prescribed under division (B)(1) of	501
section 3301.0710 of the Revised Code as follows:	502
(a) At least once annually to all tenth grade students and at	503
least twice annually to all students in eleventh or twelfth grade	504
who have not yet attained the score on that assessment designated	505
under that division;	506
(b) To any person who has successfully completed the	507
curriculum in any high school or the individualized education	508
program developed for the person by any high school pursuant to	509
section 3323.08 of the Revised Code but has not received a high	510
school diploma and who requests to take such assessment, at any	511
time such assessment is administered in the district.	512
(9) In lieu of the board of education of any city, local, or	513
exempted village school district in which the student is also	514
enrolled, the board of a joint vocational school district shall	515
administer any assessment prescribed under division (B)(1) of	516
section 3301.0710 of the Revised Code at least twice annually to	517
any student enrolled in the joint vocational school district who	518
has not yet attained the score on that assessment designated under	519
that division. A board of a joint vocational school district may	520
also administer such an assessment to any student described in	521
division (B)(8)(b) of this section.	522

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

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

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

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

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under

that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that 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. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment. No board shall prohibit a student who is not required to take an assessment under division (C)(1) of this section from taking the assessment.

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

(c)(i) Any student enrolled in a chartered nonpublic school or an accredited 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 584
 assessment required to be administered under this section if a 585
 plan developed for the student pursuant to rules adopted by the 586
 state board excuses the student from taking that assessment. 587

(ii) A student with significant cognitive disabilities to 588
 whom an alternate assessment is administered in accordance with 589
 division (C)(1) of this section and a student determined to have a 590
 disability that includes an intellectual disability as outlined in 591
 guidance issued by the department shall not be required to take 592
 the assessment prescribed under division (B)(1) of section 593
 3301.0712 of the Revised Code. 594

(iii) In the case of any student who is enrolled in a 595
chartered nonpublic school and is so excused from taking an 596
 assessment under division (C)(1)(c) of this section, the ~~chartered~~ 597
~~nonpublic~~ school shall not prohibit the student from taking the 598
 assessment. 599

(2) A district board may, for medical reasons or other good 600
 cause, excuse a student from taking an assessment administered 601
 under this section on the date scheduled, but that assessment 602
 shall be administered to the excused student not later than nine 603
 days following the scheduled date. The district board shall 604
 annually report the number of students who have not taken one or 605
 more of the assessments required by this section to the state 606
 board not later than the thirtieth day of June. 607

(3) As used in this division, "limited English proficient 608
 student" has the same meaning as in 20 U.S.C. 7801. 609

No school district board shall excuse any limited English 610
 proficient student from taking any particular assessment required 611
 to be administered under this section, except as follows: 612

(a) Any limited English proficient student who has been 613

enrolled in United States schools for less than two years and for
whom no appropriate accommodations are available based on 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.

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

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

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

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

(c) No governing authority of a chartered nonpublic school
shall prohibit a limited English proficient student from taking an

assessment from which the student was excused under division 644
(C)(4) of this section. 645

(D)(1) In the school year next succeeding the school year in 646
which the assessments prescribed by division (A)(1) or (B)(1) of 647
section 3301.0710 of the Revised Code or former division (A)(1), 648
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 649
existed prior to September 11, 2001, are administered to any 650
student, the board of education of any school district in which 651
the student is enrolled in that year shall provide to the student 652
intervention services commensurate with the student's performance, 653
including any intensive intervention required under section 654
3313.608 of the Revised Code, in any skill in which the student 655
failed to demonstrate at least a score at the proficient level on 656
the assessment. 657

(2) Following any administration of the assessments 658
prescribed by division (D) of section 3301.0710 of the Revised 659
Code to ninth grade students, each school district that has a 660
three-year average graduation rate of not more than seventy-five 661
per cent shall determine for each high school in the district 662
whether the school shall be required to provide intervention 663
services to any students who took the assessments. In determining 664
which high schools shall provide intervention services based on 665
the resources available, the district shall consider each school's 666
graduation rate and scores on the practice assessments. The 667
district also shall consider the scores received by ninth grade 668
students on the English language arts and mathematics assessments 669
prescribed under division (A)(1)(f) of section 3301.0710 of the 670
Revised Code in the eighth grade in determining which high schools 671
shall provide intervention services. 672

Each high school selected to provide intervention services 673
under this division shall provide intervention services to any 674

student whose results indicate that the student is failing to make 675
satisfactory progress toward being able to attain scores at the 676
proficient level on the Ohio graduation tests. Intervention 677
services shall be provided in any skill in which a student 678
demonstrates unsatisfactory progress and shall be commensurate 679
with the student's performance. Schools shall provide the 680
intervention services prior to the end of the school year, during 681
the summer following the ninth grade, in the next succeeding 682
school year, or at any combination of those times. 683

(E) Except as provided in section 3313.608 of the Revised 684
Code and division (N) of this section, no school district board of 685
education shall utilize any student's failure to attain a 686
specified score on an assessment administered under this section 687
as a factor in any decision to deny the student promotion to a 688
higher grade level. However, a district board may choose not to 689
promote to the next grade level any student who does not take an 690
assessment administered under this section or make up an 691
assessment as provided by division (C)(2) of this section and who 692
is not exempt from the requirement to take the assessment under 693
division (C)(3) of this section. 694

(F) No person shall be charged a fee for taking any 695
assessment administered under this section. 696

(G)(1) Each school district board shall designate one 697
location for the collection of assessments administered in the 698
spring under division (B)(1) of this section and those 699
administered under divisions (B)(2) to (7) of this section. Each 700
district board shall submit the assessments to the entity with 701
which the department contracts for the scoring of the assessments 702
as follows: 703

(a) If the district's total enrollment in grades kindergarten 704

through twelve during the first full school week of October was 705
less than two thousand five hundred, not later than the Friday 706
after all of the assessments have been administered; 707

(b) If the district's total enrollment in grades kindergarten 708
through twelve during the first full school week of October was 709
two thousand five hundred or more, but less than seven thousand, 710
not later than the Monday after all of the assessments have been 711
administered; 712

(c) If the district's total enrollment in grades kindergarten 713
through twelve during the first full school week of October was 714
seven thousand or more, not later than the Tuesday after all of 715
the assessments have been administered. 716

However, any assessment that a student takes during the 717
make-up period described in division (C)(2) of this section shall 718
be submitted not later than the Friday following the day the 719
student takes the assessment. 720

(2) The department or an entity with which the department 721
contracts for the scoring of the assessment shall send to each 722
school district board a list of the individual scores of all 723
persons taking a state achievement assessment as follows: 724

(a) Except as provided in division (G)(2)(b) or (c) of this 725
section, within forty-five days after the administration of the 726
assessments prescribed by sections 3301.0710 and 3301.0712 of the 727
Revised Code, but in no case shall the scores be returned later 728
than the thirtieth day of June following the administration; 729

(b) In the case of the third-grade English language arts 730
assessment, within forty-five days after the administration of 731
that assessment, but in no case shall the scores be returned later 732
than the fifteenth day of June following the administration; 733

(c) In the case of the writing component of an assessment or 734
end-of-course examination in the area of English language arts, 735
except for the third-grade English language arts assessment, the 736
results may be sent after forty-five days of the administration of 737
the writing component, but in no case shall the scores be returned 738
later than the thirtieth day of June following the administration. 739

(3) For assessments administered under this section by a 740
joint vocational school district, the department or entity shall 741
also send to each city, local, or exempted village school district 742
a list of the individual scores of any students of such city, 743
local, or exempted village school district who are attending 744
school in the joint vocational school district. 745

(4) Beginning with the 2019-2020 school year, a school 746
district, other public school, ~~or~~ chartered nonpublic school, or 747
accredited nonpublic school may administer the third-grade English 748
language arts or mathematics assessment, or both, in a paper 749
format in any school year for which the district board of 750
education or school governing body adopts a resolution indicating 751
that the district or school chooses to administer the assessment 752
in a paper format. The board or governing body shall submit a copy 753
of the resolution to the department of education not later than 754
the first day of May prior to the school year for which it will 755
apply. If the resolution is submitted, the district or school 756
shall administer the assessment in a paper format to all students 757
in the third grade, except that any student whose individualized 758
education program or plan developed under section 504 of the 759
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 760
amended, specifies that taking the assessment in an online format 761
is an appropriate accommodation for the student may take the 762
assessment in an online format. 763

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

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

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

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

(2) In accordance with rules that the state board shall 794
adopt, the board of education of any city, exempted village, or 795
local school district with territory in a cooperative education 796
school district established pursuant to section 3311.521 of the 797
Revised Code shall enter into an agreement with the cooperative 798
district that provides for the administration of any assessment 799
prescribed under this section to both of the following: 800

(a) Students who are attending school in the cooperative 801
district and who, if the cooperative district were not 802
established, would be entitled to attend school in the city, 803
local, or exempted village school district pursuant to section 804
3313.64 or 3313.65 of the Revised Code; 805

(b) Persons described in division (B)(8)(b) of this section. 806

Any assessment of students pursuant to such an agreement 807
shall be in lieu of any assessment of such students or persons 808
pursuant to this section. 809

(K)(1) Except as otherwise provided in division (K)(1) or (2) 810
of this section, each chartered nonpublic school for which at 811
least sixty-five per cent of its total enrollment is made up of 812
students who are participating in state scholarship programs shall 813
administer the elementary assessments prescribed by section 814
3301.0710 of the Revised Code. In accordance with procedures and 815
deadlines prescribed by the department, the parent or guardian of 816
a student enrolled in the school who is not participating in a 817
state scholarship program may submit notice to the chief 818
administrative officer of the school that the parent or guardian 819
does not wish to have the student take the elementary assessments 820
prescribed for the student's grade level under division (A) of 821
section 3301.0710 of the Revised Code. If a parent or guardian 822
submits an opt-out notice, the school shall not administer the 823

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.

(2) A chartered nonpublic school may submit to the
superintendent of public instruction a request for a waiver from
administering the elementary assessments prescribed by division
(A) of section 3301.0710 of the Revised Code. The state
superintendent shall approve or disapprove a request for a waiver
submitted under division (K)(2) of this section. No waiver shall
be approved for any school year prior to the 2015-2016 school
year.

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

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

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

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

math skills. 854

(3) Any chartered nonpublic school that is not subject to 855
division (K)(1) of this section may participate in the assessment 856
program by administering any of the assessments prescribed by 857
division (A) of section 3301.0710 of the Revised Code. The chief 858
administrator of the school shall specify which assessments the 859
school will administer. Such specification shall be made in 860
writing to the superintendent of public instruction prior to the 861
first day of August of any school year in which assessments are 862
administered and shall include a pledge that the nonpublic school 863
will administer the specified assessments in the same manner as 864
public schools are required to do under this section and rules 865
adopted by the department. 866

(4) The department of education shall furnish the assessments 867
prescribed by section 3301.0710 of the Revised Code to each 868
chartered nonpublic school that is subject to division (K)(1) of 869
this section or participates under division (K)(3) of this 870
section. 871

(L) If a chartered or accredited nonpublic school is 872
educating students in grades nine through twelve, the following 873
shall apply: 874

(1) Except as provided in division (L)(4) of this section, 875
for a student who is enrolled in a ~~chartered~~ an accredited 876
nonpublic school ~~that is accredited through the independent~~ 877
~~schools association of the central states~~ and who is attending the 878
school under a state scholarship program, the student shall either 879
take all of the assessments prescribed by division (B) of section 880
3301.0712 of the Revised Code or take an alternative assessment 881
approved by the department under section 3313.619 of the Revised 882
Code. However, a student who is excused from taking an assessment 883

under division (C) of this section or has presented evidence to 884
 the ~~chartered~~ accredited nonpublic school of having satisfied the 885
 condition prescribed by division (A)(1) of section 3313.618 of the 886
 Revised Code to qualify for a high school diploma prior to the 887
 date of the administration of the assessment prescribed under 888
 division (B)(1) of section 3301.0712 of the Revised Code shall not 889
 be required to take that assessment. No governing authority of a 890
~~chartered~~ an accredited nonpublic school shall prohibit a student 891
 who is not required to take such assessment from taking the 892
 assessment. 893

(2) For a student who is enrolled in a ~~chartered~~ an 894
accredited nonpublic school ~~that is accredited through the~~ 895
~~independent schools association of the central states~~, and who is 896
 not attending the school under a state scholarship program, the 897
 student shall not be required to take any assessment prescribed 898
 under section 3301.0712 or 3313.619 of the Revised Code. 899

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 900
 this section, for a student who is enrolled in a chartered 901
 nonpublic school ~~that is not accredited through the independent~~ 902
~~schools association of the central states~~, regardless of whether 903
 the student is attending or is not attending the school under a 904
 state scholarship program, the student shall do one of the 905
 following: 906

(i) Take all of the assessments prescribed by division (B) of 907
 section 3301.0712 of the Revised Code; 908

(ii) Take only the assessment prescribed by division (B)(1) 909
 of section 3301.0712 of the Revised Code, provided that the 910
 student's school publishes the results of that assessment for each 911
 graduating class. The published results of that assessment shall 912
 include the overall composite scores, mean scores, twenty-fifth 913

percentile scores, and seventy-fifth percentile scores for each
subject area of the assessment. 914
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(iii) Take an alternative assessment approved by the
department under section 3313.619 of the Revised Code. 916
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(b) A student who is excused from taking an assessment under
division (C) of this section or has presented evidence to the
chartered nonpublic school of having satisfied the condition
prescribed by division (A)(1) of section 3313.618 of the Revised
Code to qualify for a high school diploma prior to the date of the
administration of the assessment prescribed under division (B)(1)
of section 3301.0712 of the Revised Code shall not be required to
take that assessment. No governing authority of a chartered
nonpublic school shall prohibit a student who is not required to
take such assessment from taking the assessment. 918
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(4) The assessments prescribed by sections 3301.0712 and
3313.619 of the Revised Code shall not be administered to any
student attending the school, if the school meets all of the
following conditions: 928
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931

(a) At least ninety-five per cent of the students enrolled in
the school are children with disabilities, as defined under
section 3323.01 of the Revised Code, or have received a diagnosis
by a school district or from a physician, including a
neuropsychologist or psychiatrist, or a psychologist who is
authorized to practice in this or another state as having a
condition that impairs academic performance, such as dyslexia,
dyscalculia, attention deficit hyperactivity disorder, or
Asperger's syndrome. 932
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(b) The school has solely served a student population
described in division (L)(4)(a) of this section for at least ten
years. 941
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(c) The school makes available to the department at least 944
 five years of records of internal testing conducted by the school 945
 that affords the department data required for accountability 946
 purposes, including growth in student achievement in reading or 947
 mathematics, or both, as measured by nationally norm-referenced 948
 assessments that have developed appropriate standards for 949
 students. 950

Division (L)(4) of this section applies to any student 951
 attending such school regardless of whether the student receives 952
 special education or related services and regardless of whether 953
 the student is attending the school under a state scholarship 954
 program. 955

(M)(1) The superintendent of the state school for the blind 956
 and the superintendent of the state school for the deaf shall 957
 administer the assessments described by sections 3301.0710 and 958
 3301.0712 of the Revised Code. Each superintendent shall 959
 administer the assessments in the same manner as district boards 960
 are required to do under this section and rules adopted by the 961
 department of education and in conformity with division (C)(1)(a) 962
 of this section. 963

(2) The department of education shall furnish the assessments 964
 described by sections 3301.0710 and 3301.0712 of the Revised Code 965
 to each superintendent. 966

(N) Notwithstanding division (E) of this section, a school 967
 district may use a student's failure to attain a score in at least 968
 the proficient range on the mathematics assessment described by 969
 division (A)(1)(a) of section 3301.0710 of the Revised Code or on 970
 an assessment described by division (A)(1)(b), (c), (d), (e), or 971
 (f) of section 3301.0710 of the Revised Code as a factor in 972
 retaining that student in the current grade level. 973

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 974
and (7) of this section, the assessments required by division 975
(A)(1) of section 3301.0710 of the Revised Code shall become 976
public records pursuant to section 149.43 of the Revised Code on 977
the thirty-first day of July following the school year that the 978
assessments were administered. 979

(2) The department may field test proposed questions with 980
samples of students to determine the validity, reliability, or 981
appropriateness of questions for possible inclusion in a future 982
year's assessment. The department also may use anchor questions on 983
assessments to ensure that different versions of the same 984
assessment are of comparable difficulty. 985

Field test questions and anchor questions shall not be 986
considered in computing scores for individual students. Field test 987
questions and anchor questions may be included as part of the 988
administration of any assessment required by division (A)(1) or 989
(B) of section 3301.0710 and division (B) of section 3301.0712 of 990
the Revised Code. 991

(3) Any field test question or anchor question administered 992
under division (O)(2) of this section shall not be a public 993
record. Such field test questions and anchor questions shall be 994
redacted from any assessments which are released as a public 995
record pursuant to division (O)(1) of this section. 996

(4) This division applies to the assessments prescribed by 997
division (A) of section 3301.0710 of the Revised Code. 998

(a) The first administration of each assessment, as specified 999
in former section 3301.0712 of the Revised Code, shall be a public 1000
record. 1001

(b) For subsequent administrations of each assessment prior 1002

to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

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

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

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after

the administration of the assessment; 1033

(iii) The remaining forty per cent of the questions and 1034
 preferred answers on the assessment on the thirty-first day of 1035
 July two years after the administration of the assessment. 1036

The entire content of an assessment shall become a public 1037
 record within three years of its administration. 1038

The department shall make the questions that become a public 1039
 record under this division readily accessible to the public on the 1040
 department's web site. Questions on the spring administration of 1041
 each assessment shall be released on an annual basis, in 1042
 accordance with this division. 1043

(b) No questions and corresponding preferred answers shall 1044
 become a public record under division (O)(6) of this section after 1045
 July 31, 2017. 1046

(7) Division (O)(7) of this section applies to the 1047
 assessments prescribed by division (A) of section 3301.0710 and 1048
 division (B)(2) of section 3301.0712 of the Revised Code. 1049

Beginning with the assessments administered in the spring of 1050
 the 2017-2018 school year, not less than forty per cent of the 1051
 questions on each assessment that are used to compute a student's 1052
 score shall be a public record. The department shall determine 1053
 which questions will be needed for reuse on a future assessment 1054
 and those questions shall not be public records and shall be 1055
 redacted from the assessment prior to its release as a public 1056
 record. However, for each redacted question, the department shall 1057
 inform each city, local, and exempted village school district of 1058
 the corresponding statewide academic standard adopted by the state 1059
 board under section 3301.079 of the Revised Code and the 1060
 corresponding benchmark to which the question relates. The 1061

department is not required to provide corresponding standards and 1062
 benchmarks to field test questions that are redacted under 1063
 division (O)(3) of this section. 1064

(P) As used in this section: 1065

(1) "Three-year average" means the average of the most recent 1066
 consecutive three school years of data. 1067

(2) "Dropout" means a student who withdraws from school 1068
 before completing course requirements for graduation and who is 1069
 not enrolled in an education program approved by the state board 1070
 of education or an education program outside the state. "Dropout" 1071
 does not include a student who has departed the country. 1072

(3) "Graduation rate" means the ratio of students receiving a 1073
 diploma to the number of students who entered ninth grade four 1074
 years earlier. Students who transfer into the district are added 1075
 to the calculation. Students who transfer out of the district for 1076
 reasons other than dropout are subtracted from the calculation. If 1077
 a student who was a dropout in any previous year returns to the 1078
 same school district, that student shall be entered into the 1079
 calculation as if the student had entered ninth grade four years 1080
 before the graduation year of the graduating class that the 1081
 student joins. 1082

(4) "State scholarship programs" means the educational choice 1083
 scholarship pilot program established under sections 3310.01 to 1084
 3310.17 of the Revised Code, the autism scholarship program 1085
 established under section 3310.41 of the Revised Code, the Jon 1086
 Peterson special needs scholarship program established under 1087
 sections 3310.51 to 3310.64 of the Revised Code, and the pilot 1088
 project scholarship program established under sections 3313.974 to 1089
 3313.979 of the Revised Code. 1090

(5) "Other public school" means a community school 1091
 established under Chapter 3314., a STEM school established under 1092
 Chapter 3326., or a college-preparatory boarding school 1093
 established under Chapter 3328. of the Revised Code. 1094

(6) "Accredited nonpublic school" means an accredited 1095
nonpublic school as described in section 3301.165 of the Revised 1096
Code. 1097

Sec. 3301.16. Pursuant to standards prescribed by the state 1098
 board of education as provided in division (D) of section 3301.07 1099
 of the Revised Code, the state board shall classify and charter 1100
 school districts and individual schools within each district 1101
 except that no charter shall be granted to a nonpublic school 1102
 unless the school complies with divisions (K)(1) and (L) of 1103
 section 3301.0711, as applicable, and sections 3301.164 and 1104
 3313.612 of the Revised Code. 1105

In the course of considering the charter of a new school 1106
 district created under section 3311.26 or 3311.38 of the Revised 1107
 Code, the state board shall require the party proposing creation 1108
 of the district to submit to the board a map, certified by the 1109
 county auditor of the county in which the proposed new district is 1110
 located, showing the boundaries of the proposed new district. In 1111
 the case of a proposed new district located in more than one 1112
 county, the map shall be certified by the county auditor of each 1113
 county in which the proposed district is located. 1114

The state board shall revoke the charter of any school 1115
 district or school which fails to meet the standards for 1116
 elementary and high schools as prescribed by the board. The state 1117
 board shall also revoke the charter of any nonpublic school that 1118
 does not comply with divisions (K)(1) and (L) of section 1119

3301.0711, if applicable, and sections 3301.164 and 3313.612 of
the Revised Code. 1120
1121

In the issuance and revocation of school district or school
charters, the state board shall be governed by the provisions of 1122
Chapter 119. of the Revised Code. 1123
1124

No school district, or individual school operated by a school
district, shall operate without a charter issued by the state 1125
board under this section. 1126
1127

In case a school district charter is revoked pursuant to this 1128
section, the state board may dissolve the school district and 1129
transfer its territory to one or more adjacent districts. An 1130
equitable division of the funds, property, and indebtedness of the 1131
school district shall be made by the state board among the 1132
receiving districts. The board of education of a receiving 1133
district shall accept such territory pursuant to the order of the 1134
state board. Prior to dissolving the school district, the state 1135
board shall notify the appropriate educational service center 1136
governing board and all adjacent school district boards of 1137
education of its intention to do so. Boards so notified may make 1138
recommendations to the state board regarding the proposed 1139
dissolution and subsequent transfer of territory. Except as 1140
provided in section 3301.161 of the Revised Code, the transfer 1141
ordered by the state board shall become effective on the date 1142
specified by the state board, but the date shall be at least 1143
thirty days following the date of issuance of the order. 1144

A high school is one of higher grade than an elementary 1145
school, in which instruction and training are given in accordance 1146
with sections 3301.07 and 3313.60 of the Revised Code and which 1147
also offers other subjects of study more advanced than those 1148
taught in the elementary schools and such other subjects as may be 1149

approved by the state board of education. 1150

An elementary school is one in which instruction and training 1151
 are given in accordance with sections 3301.07 and 3313.60 of the 1152
 Revised Code and which offers such other subjects as may be 1153
 approved by the state board of education. In districts wherein a 1154
 junior high school is maintained, the elementary schools in that 1155
 district may be considered to include only the work of the first 1156
 six school years inclusive, plus the kindergarten year. This 1157
section shall not apply to accredited nonpublic schools described 1158
in section 3301.165 of the Revised Code. 1159

Sec. 3301.162. (A) If the governing authority of a chartered 1160
 nonpublic school or an accredited nonpublic school described in 1161
section 3301.165 of the Revised Code intends to close the school, 1162
 the governing authority shall notify all of the following of that 1163
 intent prior to closing the school: 1164

(1) The department of education; 1165

(2) The school district that receives auxiliary services 1166
 funding under division (E) of section 3317.024 of the Revised Code 1167
 on behalf of the students enrolled in the school; 1168

(3) The accrediting association that most recently accredited 1169
 the school for purposes of chartering the school in accordance 1170
 with the rules of the state board of education, if applicable; 1171

(4) If the school has been designated as a STEM school 1172
 equivalent under section 3326.032 of the Revised Code, the STEM 1173
 committee established under section 3326.02 of the Revised Code. 1174

The notice shall include the school year and, if possible, 1175
 the actual date the school will close. 1176

(B) The chief administrator of each chartered nonpublic 1177

school and each accredited nonpublic school that closes shall 1178
 deposit the school's records with either: 1179

(1) The accrediting association that most recently accredited 1180
 the school for purposes of chartering the school in accordance 1181
 with the rules of the state board, if applicable; 1182

(2) The school district that received auxiliary services 1183
 funding under division (E) of section 3317.024 of the Revised Code 1184
 on behalf of the students enrolled in the school. 1185

The school district that receives the records may charge for 1186
 and receive a one-time reimbursement from auxiliary services 1187
 funding under division (E) of section 3317.024 of the Revised Code 1188
 for costs the district incurred to store the records. 1189

Sec. 3301.164. Each chartered nonpublic school shall publish 1190
 on the school's web site both of the following: 1191

(A) The number of students enrolled in the school by the last 1192
 day of October of the current school year; 1193

(B) The school's policy regarding background checks for 1194
 teaching and nonteaching employees and for volunteers who have 1195
 direct contact with students. 1196

This section shall not apply to accredited nonpublic schools 1197
described in section 3301.165 of the Revised Code. 1198

Sec. 3301.165. (A) The state board of education shall revoke 1199
the charter of any chartered nonpublic school that fails to do one 1200
of the following: 1201

(1) Comply with the operating standards for a school 1202
established under section 3301.07 of the Revised Code; 1203

(2) Maintain accreditation from an association, other than 1204

the independent schools association of the central states, whose standards have been approved by the state board; 1205
1206

(3) Maintain accreditation from the independent schools association of the central states. The department of education shall designate a nonpublic school that maintains eligibility for a charter under division (A)(3) of this section as an "accredited nonpublic school." The department shall accept an affirmation of accreditation only from either the independent schools association of the central states or an organization recognized by the department that represents the independent schools association of the central states. 1207
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(B) An accredited nonpublic school shall comply with the minimum education standards adopted by the state board under division (D)(2) of section 3301.07 of the Revised Code. However, the state board shall not prescribe additional operating standards for accredited nonpublic schools. Unless otherwise specifically required in the Revised Code, an accredited nonpublic school shall be exempt from any requirement to which a chartered nonpublic school is subject under Title XXXIII of the Revised Code. 1216
1217
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(C) To ensure that an accredited nonpublic school or a school in the process of being accredited by the independent schools association of the central states is providing an education of high quality, the department may do both of the following: 1224
1225
1226
1227

(1) Send a representative to accompany an accrediting team from the independent schools association of the central states on any site visit to observe the activities and the report of the accrediting team; 1228
1229
1230
1231

(2) Request a copy of the report by the independent schools association of the central states that is issued as part of the accreditation cycle of a school. 1232
1233
1234

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

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

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

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

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

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

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

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

(C) "Parent, guardian, or custodian" means the person or

government agency that is or will be responsible for a child's	1263
school attendance under section 3321.01 of the Revised Code.	1264
(D) "Superintendent" means the superintendent of a school	1265
district or the chief administrative officer of a community school	1266
or an eligible nonpublic school.	1267
(E) "Director" means the director, head teacher, elementary	1268
principal, or site administrator who is the individual on site and	1269
responsible for supervision of a preschool program.	1270
(F) "Preschool staff member" means a preschool employee whose	1271
primary responsibility is care, teaching, or supervision of	1272
preschool children.	1273
(G) "Nonteaching employee" means a preschool program or	1274
school child program employee whose primary responsibilities are	1275
duties other than care, teaching, and supervision of preschool	1276
children or school children.	1277
(H) "Eligible nonpublic school" means <u>an accredited nonpublic</u>	1278
<u>school described in section 3301.165 of the Revised Code,</u> a	1279
nonpublic school chartered as described in division (B)(8) of	1280
section 5104.02 of the Revised Code, <u>or a nonpublic school</u>	1281
chartered by the state board of education for any combination of	1282
grades one through twelve, regardless of whether it also offers	1283
kindergarten.	1284
(I) "School child program" means a child care program for	1285
only school children that is operated by a school district board	1286
of education, county board of developmental disabilities,	1287
community school, or eligible nonpublic school.	1288
(J) "School child" means a child who is enrolled in or is	1289
eligible to be enrolled in a grade of kindergarten or above but is	1290
less than fifteen years old.	1291

(K) "School child program staff member" means an employee 1292
 whose primary responsibility is the care, teaching, or supervision 1293
 of children in a school child program. 1294

(L) "Child care" means administering to the needs of infants, 1295
 toddlers, preschool children, and school children outside of 1296
 school hours by persons other than their parents or guardians, 1297
 custodians, or relatives by blood, marriage, or adoption for any 1298
 part of the twenty-four-hour day in a place or residence other 1299
 than a child's own home. 1300

(M) "Child day-care center," "publicly funded child care," 1301
 and "school-age child care center" have the same meanings as in 1302
 section 5104.01 of the Revised Code. 1303

(N) "Community school" means either of the following: 1304

(1) A community school established under Chapter 3314. of the 1305
 Revised Code that is sponsored by an entity that is rated 1306
 "exemplary" under section 3314.016 of the Revised Code. 1307

(2) A community school established under Chapter 3314. of the 1308
 Revised Code that has received, on its most recent report card, 1309
 either of the following: 1310

(a) If the school offers any of grade levels four through 1311
 twelve, a grade of "C" or better for the overall value-added 1312
 progress dimension under division (C)(1)(e) of section 3302.03 of 1313
 the Revised Code and for the performance index score under 1314
 division (C)(1)(b) of section 3302.03 of the Revised Code; 1315

(b) If the school does not offer a grade level higher than 1316
 three, a grade of "C" or better for making progress in improving 1317
 literacy in grades kindergarten through three under division 1318
 (C)(1)(g) of section 3302.03 of the Revised Code. 1319

Sec. 3301.541. (A)(1) The director, head teacher, elementary principal, or site administrator of a preschool program shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the preschool program for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the director, head teacher, or elementary principal shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the director, head teacher, or elementary principal may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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

the superintendent of the bureau of criminal identification and 1350
 investigation at the time the person requests a criminal records 1351
 check pursuant to division (A)(1) of this section. 1352

(3) Any applicant who receives pursuant to division (A)(2) of 1353
 this section a copy of the form prescribed pursuant to division 1354
 (C)(1) of section 109.572 of the Revised Code and a copy of an 1355
 impression sheet prescribed pursuant to division (C)(2) of that 1356
 section and who is requested to complete the form and provide a 1357
 set of fingerprint impressions shall complete the form or provide 1358
 all the information necessary to complete the form and provide the 1359
 impression sheet with the impressions of the applicant's 1360
 fingerprints. If an applicant, upon request, fails to provide the 1361
 information necessary to complete the form or fails to provide 1362
 impressions of the applicant's fingerprints, the preschool program 1363
 shall not employ that applicant for any position for which a 1364
 criminal records check is required by division (A)(1) of this 1365
 section. 1366

(B)(1) Except as provided in rules adopted by the department 1367
 of education in accordance with division (E) of this section, no 1368
 preschool program shall employ a person as a person responsible 1369
 for the care, custody, or control of a child if the person 1370
 previously has been convicted of or pleaded guilty to any of the 1371
 following: 1372

(a) A violation of section 2903.01, 2903.02, 2903.03, 1373
 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1374
 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1375
 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1376
 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1377
 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1378
 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1379

2925.06, or 3716.11 of the Revised Code, a violation of section 1380
 2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1381
 violation of section 2919.23 of the Revised Code that would have 1382
 been a violation of section 2905.04 of the Revised Code as it 1383
 existed prior to July 1, 1996, had the violation occurred prior to 1384
 that date, a violation of section 2925.11 of the Revised Code that 1385
 is not a minor drug possession offense, or felonious sexual 1386
 penetration in violation of former section 2907.12 of the Revised 1387
 Code; 1388

(b) A violation of an existing or former law of this state, 1389
 any other state, or the United States that is substantially 1390
 equivalent to any of the offenses or violations described in 1391
 division (B)(1)(a) of this section. 1392

(2) A preschool program may employ an applicant conditionally 1393
 until the criminal records check required by this section is 1394
 completed and the preschool program receives the results of the 1395
 criminal records check. If the results of the criminal records 1396
 check indicate that, pursuant to division (B)(1) of this section, 1397
 the applicant does not qualify for employment, the preschool 1398
 program shall release the applicant from employment. 1399

(C)(1) Each preschool program shall pay to the bureau of 1400
 criminal identification and investigation the fee prescribed 1401
 pursuant to division (C)(3) of section 109.572 of the Revised Code 1402
 for each criminal records check conducted in accordance with that 1403
 section upon the request pursuant to division (A)(1) of this 1404
 section of the director, head teacher, elementary principal, or 1405
 site administrator of the preschool program. 1406

(2) A preschool program may charge an applicant a fee for the 1407
 costs it incurs in obtaining a criminal records check under this 1408
 section. A fee charged under this division shall not exceed the 1409

amount of fees the preschool program pays under division (C)(1) of 1410
this section. If a fee is charged under this division, the 1411
preschool program shall notify the applicant at the time of the 1412
applicant's initial application for employment of the amount of 1413
the fee and that, unless the fee is paid, the applicant will not 1414
be considered for employment. 1415

(D) The report of any criminal records check conducted by the 1416
bureau of criminal identification and investigation in accordance 1417
with section 109.572 of the Revised Code and pursuant to a request 1418
under division (A)(1) of this section is not a public record for 1419
the purposes of section 149.43 of the Revised Code and shall not 1420
be made available to any person other than the applicant who is 1421
the subject of the criminal records check or the applicant's 1422
representative, the preschool program requesting the criminal 1423
records check or its representative, and any court, hearing 1424
officer, or other necessary individual in a case dealing with the 1425
denial of employment to the applicant. 1426

(E) The department of education shall adopt rules pursuant to 1427
Chapter 119. of the Revised Code to implement this section, 1428
including rules specifying circumstances under which a preschool 1429
program may hire a person who has been convicted of an offense 1430
listed in division (B)(1) of this section but who meets standards 1431
in regard to rehabilitation set by the department. 1432

(F) Any person required by division (A)(1) of this section to 1433
request a criminal records check shall inform each person, at the 1434
time of the person's initial application for employment, that the 1435
person is required to provide a set of impressions of the person's 1436
fingerprints and that a criminal records check is required to be 1437
conducted and satisfactorily completed in accordance with section 1438
109.572 of the Revised Code if the person comes under final 1439

consideration for appointment or employment as a precondition to 1440
employment for that position. 1441

(G) As used in this section: 1442

(1) "Applicant" means a person who is under final 1443
consideration for appointment or employment in a position with a 1444
preschool program as a person responsible for the care, custody, 1445
or control of a child, except that "applicant" does not include a 1446
person already employed by a board of education, community school, 1447
~~or~~ chartered nonpublic school, or accredited nonpublic school 1448
described in section 3301.165 of the Revised Code in a position of 1449
care, custody, or control of a child who is under consideration 1450
for a different position with such board or school. 1451

(2) "Criminal records check" has the same meaning as in 1452
section 109.572 of the Revised Code. 1453

(3) "Minor drug possession offense" has the same meaning as 1454
in section 2925.01 of the Revised Code. 1455

(H) If the board of education of a local school district 1456
adopts a resolution requesting the assistance of the educational 1457
service center in which the local district has territory in 1458
conducting criminal records checks of substitute teachers under 1459
this section, the appointing or hiring officer of such educational 1460
service center governing board shall serve for purposes of this 1461
section as the appointing or hiring officer of the local board in 1462
the case of hiring substitute teachers for employment in the local 1463
district. 1464

Sec. 3302.07. (A) The board of education of any school 1465
district, the governing board of any educational service center, 1466
or the administrative authority of any chartered nonpublic school 1467
or any accredited nonpublic school described in section 3301.165 1468

of the Revised Code may submit to the state board of education an 1469
 application proposing an innovative education pilot program the 1470
 implementation of which requires exemptions from specific 1471
 statutory provisions or rules. If a district or service center 1472
 board employs teachers under a collective bargaining agreement 1473
 adopted pursuant to Chapter 4117. of the Revised Code, any 1474
 application submitted under this division shall include the 1475
 written consent of the teachers' employee representative 1476
 designated under division (B) of section 4117.04 of the Revised 1477
 Code. The exemptions requested in the application shall be limited 1478
 to any requirement of Title XXXIII of the Revised Code or of any 1479
 rule of the state board adopted pursuant to that title except that 1480
 the application may not propose an exemption from any requirement 1481
 of or rule adopted pursuant to Chapter 3307. or 3309., sections 1482
 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 1483
 Furthermore, an exemption from any operating standard adopted 1484
 under division (B)(2) or (D) of section 3301.07 of the Revised 1485
 Code shall be granted only pursuant to a waiver granted by the 1486
 superintendent of public instruction under division (O) of that 1487
 section. 1488

(B) The state board of education shall accept any application 1489
 submitted in accordance with division (A) of this section. The 1490
 superintendent of public instruction shall approve or disapprove 1491
 the application in accordance with standards for approval, which 1492
 shall be adopted by the state board. 1493

(C) The superintendent of public instruction shall exempt 1494
 each district or service center board or chartered or accredited 1495
 nonpublic school administrative authority with an application 1496
 approved under division (B) of this section for a specified period 1497
 from the statutory provisions or rules specified in the approved 1498
 application. The period of exemption shall not exceed the period 1499

during which the pilot program proposed in the application is 1500
 being implemented and a reasonable period to allow for evaluation 1501
 of the effectiveness of the program. 1502

Sec. 3302.41. As used in this section, "blended learning" has 1503
 the same meaning as in section 3301.079 of the Revised Code. 1504

(A) Any local, city, exempted village, or joint vocational 1505
 school district, community school established under Chapter 3314. 1506
 of the Revised Code, STEM school established under Chapter 3326. 1507
 of the Revised Code, college-preparatory boarding school 1508
 established under Chapter 3328. of the Revised Code, ~~or~~ chartered 1509
nonpublic school, or accredited nonpublic school described in 1510
section 3301.165 of the Revised Code may operate all or part of a 1511
 school using a blended learning model. If a school is operated 1512
 using a blended learning model or is to cease operating using a 1513
 blended learning model, the superintendent of the school or 1514
 district or director of the school shall notify the department of 1515
 education of that fact not later than the first day of July of the 1516
 school year for which the change is effective. If any school 1517
 district school, community school, or STEM school is already 1518
 operated using a blended learning model on ~~the effective date of~~ 1519
~~this section~~ September 24, 2012, the superintendent of the school 1520
 or district may notify the department within ninety days after ~~the~~ 1521
~~effective date of this section~~ by December 23, 2012, of that fact 1522
 and request that the school be classified as a blended learning 1523
 school. 1524

(B) The state board of education shall revise any operating 1525
 standards for school districts and chartered nonpublic schools 1526
 adopted under section 3301.07 of the Revised Code to include 1527
 standards for the operation of blended learning under this 1528
 section. The blended learning operation standards shall provide 1529

for all of the following:	1530
(1) Student-to-teacher ratios whereby no school or classroom	1531
is required to have more than one teacher for every one hundred	1532
twenty-five students in blended learning classrooms;	1533
(2) The extent to which the school is or is not obligated to	1534
provide students with access to digital learning tools;	1535
(3) The ability of all students, at any grade level, to earn	1536
credits or advance grade levels upon demonstrating mastery of	1537
knowledge or skills through competency-based learning models.	1538
Credits or grade level advancement shall not be based on a minimum	1539
number of days or hours in a classroom.	1540
(4) An exemption from minimum school year or school day	1541
requirements in sections 3313.48 and 3313.481 of the Revised Code;	1542
(5) Adequate provisions for: the licensing of teachers,	1543
administrators, and other professional personnel and their	1544
assignment according to training and qualifications; efficient and	1545
effective instructional materials and equipment, including library	1546
facilities; the proper organization, administration, and	1547
supervision of each school, including regulations for preparing	1548
all necessary records and reports and the preparation of a	1549
statement of policies and objectives for each school; buildings,	1550
grounds, and health and sanitary facilities and services;	1551
admission of pupils, and such requirements for their promotion	1552
from grade to grade as will ensure that they are capable and	1553
prepared for the level of study to which they are certified;	1554
requirements for graduation; and such other factors as the board	1555
finds necessary.	1556
(C) An internet- or computer-based community school, as	1557
defined in section 3314.02 of the Revised Code, is not a blended	1558

learning school authorized under this section. Nor does this 1559
 section affect any provisions for the operation of and payments to 1560
 an internet- or computer-based community school prescribed in 1561
 Chapter 3314. of the Revised Code. 1562

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 1563
 Revised Code: 1564

(A) "Chartered nonpublic school" ~~means a~~ includes both of the 1565
following: 1566

(1) A nonpublic school that holds a valid charter issued by 1567
 the state board of education under section 3301.16 of the Revised 1568
 Code and meets the standards established for such schools in rules 1569
 adopted by the state board; 1570

(2) An accredited nonpublic school as described in section 1571
3301.165 of the Revised Code. 1572

(B) An "eligible student" is a student who satisfies the 1573
 conditions specified in section 3310.03 or 3310.032 of the Revised 1574
 Code. 1575

(C) "Parent" has the same meaning as in section 3313.98 of 1576
 the Revised Code. 1577

(D) "Resident district" means the school district in which a 1578
 student is entitled to attend school under section 3313.64 or 1579
 3313.65 of the Revised Code. 1580

(E) "School year" has the same meaning as in section 3313.62 1581
 of the Revised Code. 1582

Sec. 3312.01. (A) The educational regional service system is 1583
 hereby established. The system shall support state and regional 1584
 education initiatives and efforts to improve school effectiveness 1585

and student achievement. Services, including special education and 1586
 related services, shall be provided under the system to school 1587
 districts, community schools established under Chapter 3314. of 1588
 the Revised Code, ~~and~~ chartered nonpublic schools, and accredited 1589
nonpublic schools described in section 3301.165 of the Revised 1590
Code. 1591

It is the intent of the general assembly that the educational 1592
 regional service system reduce the unnecessary duplication of 1593
 programs and services and provide for a more streamlined and 1594
 efficient delivery of educational services without reducing the 1595
 availability of the services needed by school districts and 1596
 schools. 1597

(B) The educational regional service system shall consist of 1598
 the following: 1599

(1) The advisory councils and subcommittees established under 1600
 sections 3312.03 and 3312.05 of the Revised Code; 1601

(2) A fiscal agent for each of the regions as configured 1602
 under section 3312.02 of the Revised Code; 1603

(3) Educational service centers, information technology 1604
 centers established under section 3301.075 of the Revised Code, 1605
 and other regional education service providers. 1606

(C) Educational service centers shall provide the services 1607
 that they are specifically required to provide by the Revised Code 1608
 and may enter into agreements pursuant to section 3313.843, 1609
 3313.844, or 3313.845 of the Revised Code for the provision of 1610
 other services, which may include any of the following: 1611

(1) Assistance in improving student performance; 1612

(2) Services to enable a school district or school to operate 1613

more efficiently or economically; 1614

(3) Professional development for teachers or administrators; 1615

(4) Assistance in the recruitment and retention of teachers 1616
and administrators; 1617

(5) Any other educational, administrative, or operational 1618
services. 1619

In addition to implementing state and regional education 1620
initiatives and school improvement efforts under the educational 1621
regional service system, educational service centers shall 1622
implement state or federally funded initiatives assigned to the 1623
service centers by the general assembly or the department of 1624
education. 1625

Any educational service center selected to be a fiscal agent 1626
for its region pursuant to section 3312.07 of the Revised Code 1627
shall continue to operate as an educational service center for the 1628
part of the region that comprises its territory. 1629

(D) Information technology centers may enter into agreements 1630
for the provision of services pursuant to section 3312.10 of the 1631
Revised Code. 1632

(E) No school district, community school, or chartered or 1633
accredited nonpublic school shall be required to purchase services 1634
from an educational service center or information technology 1635
center in the region in which the district or school is located, 1636
except that a local school district shall receive any services 1637
required by the Revised Code to be provided by an educational 1638
service center to the local school districts in its territory from 1639
the educational service center in whose territory the district is 1640
located. 1641

Sec. 3312.04. The advisory council of each region of the 1642
educational regional service system shall do all of the following: 1643

(A) Identify regional needs and priorities for educational 1644
services to inform the department of education in the development 1645
of the performance contracts entered into by the fiscal agent of 1646
the region under section 3312.08 of the Revised Code; 1647

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

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

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

(E) Establish an accountability system to evaluate the 1664
advisory council on its performance of the duties described in 1665
divisions (A) to (D) of this section. 1666

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

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

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

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

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

(5) An information technology center subcommittee, which 1692
 shall consist of one classroom teacher appointed jointly by the 1693
 Ohio education association and the Ohio federation of teachers; 1694
 the administrator, or the administrator's designee, of each 1695
 information technology center providing services in the region; 1696
 and two school district administrators appointed by each 1697
 information technology center providing services in the region. 1698

(B) The advisory council shall appoint persons who reside or 1699

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

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

(D) Any member of an advisory council may participate in the 1712
 deliberations of any subcommittee established by the council. 1713

Sec. 3312.09. (A) Each performance contract entered into by 1714
 the department of education and the fiscal agent of a region for 1715
 implementation of a state or regional education initiative or 1716
 school improvement effort shall include the following: 1717

(1) An explanation of how the regional needs and priorities 1718
 for educational services have been identified by the advisory 1719
 council of the region, the advisory council's subcommittees, and 1720
 the department; 1721

(2) A definition of the services to be provided to school 1722
 districts, community schools, and chartered and accredited 1723
 nonpublic schools in the region, including any services provided 1724
 pursuant to division (A) of section 3302.04 of the Revised Code; 1725

(3) Expected outcomes from the provision of the services 1726
 defined in the contract; 1727

(4) The method the department will use to evaluate whether the expected outcomes have been achieved; 1728
1729

(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory; 1730
1731
1732

(6) Data reporting requirements; 1733

(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract. 1734
1735
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(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site. 1739
1740
1741

Sec. 3313.41. (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels. 1742
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(B) When the board of education has offered real or personal 1756

property for sale at public auction at least once pursuant to 1757
 division (A) of this section, and the property has not been sold, 1758
 the board may sell it at a private sale. Regardless of how it was 1759
 offered at public auction, at a private sale, the board shall, as 1760
 it considers best, sell real property as an entire tract or in 1761
 parcels, and personal property in a single lot or in several lots. 1762

(C) If a board of education decides to dispose of real or 1763
 personal property that it owns in its corporate capacity and that 1764
 exceeds in value ten thousand dollars, it may sell the property to 1765
 the adjutant general; to any subdivision or taxing authority as 1766
 respectively defined in section 5705.01 of the Revised Code, 1767
 township park district, board of park commissioners established 1768
 under Chapter 755. of the Revised Code, or park district 1769
 established under Chapter 1545. of the Revised Code; to a wholly 1770
 or partially tax-supported university, university branch, or 1771
 college; to a nonprofit institution of higher education that has a 1772
 certificate of authorization under Chapter 1713. of the Revised 1773
 Code; to the governing authority of a chartered nonpublic school 1774
or an accredited nonpublic school described in section 3301.165 of 1775
the Revised Code; or to the board of trustees of a school district 1776
 library, upon such terms as are agreed upon. The sale of real or 1777
 personal property to the board of trustees of a school district 1778
 library is limited, in the case of real property, to a school 1779
 district library within whose boundaries the real property is 1780
 situated, or, in the case of personal property, to a school 1781
 district library whose boundaries lie in whole or in part within 1782
 the school district of the selling board of education. 1783

(D) When a board of education decides to trade as a part or 1784
 an entire consideration, an item of personal property on the 1785
 purchase price of an item of similar personal property, it may 1786
 trade the same upon such terms as are agreed upon by the parties 1787

to the trade. 1788

(E) The president and the treasurer of the board of education 1789
shall execute and deliver deeds or other necessary instruments of 1790
conveyance to complete any sale or trade under this section. 1791

(F) When a board of education has identified a parcel of real 1792
property that it determines is needed for school purposes, the 1793
board may, upon a majority vote of the members of the board, 1794
acquire that property by exchanging real property that the board 1795
owns in its corporate capacity for the identified real property or 1796
by using real property that the board owns in its corporate 1797
capacity as part or an entire consideration for the purchase price 1798
of the identified real property. Any exchange or acquisition made 1799
pursuant to this division shall be made by a conveyance executed 1800
by the president and the treasurer of the board. 1801

(G) When a school district board of education has property 1802
that the board, by resolution, finds is not needed for school 1803
district use, is obsolete, or is unfit for the use for which it 1804
was acquired, the board may donate that property in accordance 1805
with this division if the fair market value of the property is, in 1806
the opinion of the board, two thousand five hundred dollars or 1807
less. 1808

The property may be donated to an eligible nonprofit 1809
organization that is located in this state and is exempt from 1810
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 1811
Before donating any property under this division, the board shall 1812
adopt a resolution expressing its intent to make unneeded, 1813
obsolete, or unfit-for-use school district property available to 1814
these organizations. The resolution shall include guidelines and 1815
procedures the board considers to be necessary to implement the 1816
donation program and shall indicate whether the school district 1817

will conduct the donation program or the board will contract with 1818
a representative to conduct it. If a representative is known when 1819
the resolution is adopted, the resolution shall provide contact 1820
information such as the representative's name, address, and 1821
telephone number. 1822

The resolution shall include within its procedures a 1823
requirement that any nonprofit organization desiring to obtain 1824
donated property under this division shall submit a written notice 1825
to the board or its representative. The written notice shall 1826
include evidence that the organization is a nonprofit organization 1827
that is located in this state and is exempt from federal income 1828
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 1829
the organization's primary purpose; a description of the type or 1830
types of property the organization needs; and the name, address, 1831
and telephone number of a person designated by the organization's 1832
governing board to receive donated property and to serve as its 1833
agent. 1834

After adoption of the resolution, the board shall publish, in 1835
a newspaper of general circulation in the school district or as 1836
provided in section 7.16 of the Revised Code, notice of its intent 1837
to donate unneeded, obsolete, or unfit-for-use school district 1838
property to eligible nonprofit organizations. The notice shall 1839
include a summary of the information provided in the resolution 1840
and shall be published twice. The second notice shall be published 1841
not less than ten nor more than twenty days after the previous 1842
notice. A similar notice also shall be posted continually in the 1843
board's office. If the school district maintains a web site on the 1844
internet, the notice shall be posted continually at that web site. 1845

The board or its representatives shall maintain a list of all 1846
nonprofit organizations that notify the board or its 1847

representative of their desire to obtain donated property under 1848
this division and that the board or its representative determines 1849
to be eligible, in accordance with the requirements set forth in 1850
this section and in the donation program's guidelines and 1851
procedures, to receive donated property. 1852

The board or its representative also shall maintain a list of 1853
all school district property the board finds to be unneeded, 1854
obsolete, or unfit for use and to be available for donation under 1855
this division. The list shall be posted continually in a 1856
conspicuous location in the board's office, and, if the school 1857
district maintains a web site on the internet, the list shall be 1858
posted continually at that web site. An item of property on the 1859
list shall be donated to the eligible nonprofit organization that 1860
first declares to the board or its representative its desire to 1861
obtain the item unless the board previously has established, by 1862
resolution, a list of eligible nonprofit organizations that shall 1863
be given priority with respect to the item's donation. Priority 1864
may be given on the basis that the purposes of a nonprofit 1865
organization have a direct relationship to specific school 1866
district purposes of programs provided or administered by the 1867
board. A resolution giving priority to certain nonprofit 1868
organizations with respect to the donation of an item of property 1869
shall specify the reasons why the organizations are given that 1870
priority. 1871

Members of the board shall consult with the Ohio ethics 1872
commission, and comply with Chapters 102. and 2921. of the Revised 1873
Code, with respect to any donation under this division to a 1874
nonprofit organization of which a board member, any member of a 1875
board member's family, or any business associate of a board member 1876
is a trustee, officer, board member, or employee. 1877

Sec. 3313.48. (A) The board of education of each city, 1878
 exempted village, local, and joint vocational school district 1879
 shall provide for the free education of the youth of school age 1880
 within the district under its jurisdiction, at such places as will 1881
 be most convenient for the attendance of the largest number 1882
 thereof. Each school so provided ~~and~~, each chartered nonpublic 1883
school, and each accredited nonpublic school described in section 1884
3301.165 of the Revised Code shall be open for instruction with 1885
 pupils in attendance, including scheduled classes, supervised 1886
 activities, and approved education options but excluding lunch and 1887
 breakfast periods and extracurricular activities, for not less 1888
 than four hundred fifty-five hours in the case of pupils in 1889
 kindergarten unless such pupils are provided all-day kindergarten, 1890
 as defined in section 3321.05 of the Revised Code, in which case 1891
 the pupils shall be in attendance for nine hundred ten hours; nine 1892
 hundred ten hours in the case of pupils in grades one through six; 1893
 and one thousand one hours in the case of pupils in grades seven 1894
 through twelve in each school year, which may include all of the 1895
 following: 1896

(1) Up to the equivalent of two school days per year during 1897
 which pupils would otherwise be in attendance but are not required 1898
 to attend for the purpose of individualized parent-teacher 1899
 conferences and reporting periods; 1900

(2) Up to the equivalent of two school days per year during 1901
 which pupils would otherwise be in attendance but are not required 1902
 to attend for professional meetings of teachers; 1903

(3) Morning and afternoon recess periods of not more than 1904
 fifteen minutes duration per period for pupils in grades 1905
 kindergarten through six. 1906

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

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

(D) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in career-technical education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

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

(F) Prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered and accredited nonpublic schools to which the district is required to transport students under section 3327.01 of the Revised Code and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. The governing authority of a chartered or an accredited nonpublic school shall consult with each school district board of education that transports students to the chartered nonpublic school under section 3327.01 of the Revised Code prior to making any change in the hours or days in which the nonpublic school is open for instruction.

(G) The state board of education shall not adopt or enforce 1969
 any rule or standard that imposes on chartered or accredited 1970
 nonpublic schools the procedural requirements imposed on school 1971
 districts by divisions (B), (C), (D), and (E) of this section. 1972

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 1973
 the term "school day" is used, unless otherwise specified, that 1974
 term shall be construed to mean the time during a calendar day 1975
 that a school is open for instruction pursuant to the schedule 1976
 adopted by the board of education of the school district or the 1977
 governing authority of the chartered or accredited nonpublic 1978
 school in accordance with section 3313.48 of the Revised Code. 1979

Sec. 3313.482. (A)(1) Prior to the first day of August of 1980
 each school year, the board of education of any school district 1981
~~or~~ the governing authority of any chartered nonpublic school, or 1982
the governing authority of an accredited nonpublic school 1983
described in section 3301.165 of the Revised Code may adopt a plan 1984
 to require students to access and complete classroom lessons 1985
 posted on the district's or nonpublic school's web portal or web 1986
 site in order to make up hours in that school year on which it is 1987
 necessary to close schools for disease epidemic, hazardous weather 1988
 conditions, law enforcement emergencies, inoperability of school 1989
 buses or other equipment necessary to the school's operation, 1990
 damage to a school building, or other temporary circumstances due 1991
 to utility failure rendering the school building unfit for school 1992
 use. 1993

Prior to the first day of August of each school year, the 1994
 governing authority of any community school established under 1995
 Chapter 3314. that is not an internet- or computer-based community 1996
 school, as defined in section 3314.02 of the Revised Code, may 1997

adopt a plan to require students to access and complete classroom lessons posted on the school's web portal or web site in order to make up hours in that school year on which it is necessary to close the school for any of the reasons specified in division (H)(4) of section 3314.08 of the Revised Code so that the school is in compliance with the minimum number of hours required under Chapter 3314. of the Revised Code.

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

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

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

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

(b) To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans developed under division (A)(3)(a)

of this section before they are posted on the web portal or web 2028
 site under division (A)(3)(c) of this section or distributed under 2029
 division (B) of this section. 2030

(c) As soon as practicable after a school closure, a district 2031
 or school employee responsible for web portal or web site 2032
 operations shall make the designated lessons available to students 2033
 on the district's, community school's, or nonpublic school's 2034
 portal or site. A lesson shall be posted for each course that was 2035
 scheduled to meet on the day or hours of the closure. 2036

(d) Each student enrolled in a course for which a lesson is 2037
 posted on the portal or site shall be granted a two-week period 2038
 from the date of posting to complete the lesson. The student's 2039
 classroom teacher shall grade the lesson in the same manner as 2040
 other lessons. The student may receive an incomplete or failing 2041
 grade if the lesson is not completed on time. 2042

(e) If a student does not have access to a computer at the 2043
 student's residence and the plan does not include blizzard bags 2044
 under division (B) of this section, the student shall be permitted 2045
 to work on the posted lessons at school after the student's school 2046
 reopens. If the lessons were posted prior to the reopening, the 2047
 student shall be granted a two-week period from the date of the 2048
 reopening, rather than from the date of posting as otherwise 2049
 required under division (A)(3)(d) of this section, to complete the 2050
 lessons. The district board or community school or nonpublic 2051
 school governing authority may provide the student access to a 2052
 computer before, during, or after the regularly scheduled school 2053
 day or may provide a substantially similar paper lesson in order 2054
 to complete the lessons. 2055

(B)(1) In addition to posting classroom lessons online under 2056
 division (A) of this section, the board of education of any school 2057

district or governing authority of any community, accredited, or 2058
 chartered nonpublic school may include in the plan distribution of 2059
 "blizzard bags," which are paper copies of the lessons posted 2060
 online. 2061

(2) If a school opts to use blizzard bags, teachers shall 2062
 prepare paper copies in conjunction with the lessons to be posted 2063
 online and update the paper copies whenever the teacher updates 2064
 the online lesson plans. 2065

(3) The board of education of any school district or 2066
 governing authority of any community, accredited, or chartered 2067
 nonpublic school that opts to use blizzard bags shall specify in 2068
 the plan the method of distribution of blizzard bag lessons, which 2069
 may include, but not be limited to, requiring distribution by a 2070
 specific deadline or requiring distribution prior to anticipated 2071
 school closure as directed by the superintendent of a school 2072
 district or the principal, director, chief administrative officer, 2073
 or the equivalent, of a school. 2074

(4) Students shall turn in completed lessons in accordance 2075
 with division (A)(3)(d) of this section. 2076

(C)(1) No school district that implements a plan in 2077
 accordance with this section shall be considered to have failed to 2078
 comply with division (B) of section 3317.01 of the Revised Code 2079
 with respect to the number of make-up hours specified in the plan. 2080

(2) No community school that implements a plan in accordance 2081
 with this section shall be considered to have failed to comply 2082
 with the minimum number of hours required under Chapter 3314. of 2083
 the Revised Code with respect to the number of make-up hours 2084
 specified in the plan. 2085

Sec. 3313.536. (A) As used in this section: 2086

(1) "Administrator" means the superintendent, principal,	2087
chief administrative officer, or other person having supervisory	2088
authority of any of the following:	2089
(a) A city, exempted village, local, or joint vocational	2090
school district;	2091
(b) A community school established under Chapter 3314. of the	2092
Revised Code, as required through reference in division (A)(11)(d)	2093
of section 3314.03 of the Revised Code;	2094
(c) A STEM school established under Chapter 3326. of the	2095
Revised Code, as required through reference in section 3326.11 of	2096
the Revised Code;	2097
(d) A college-preparatory boarding school established under	2098
Chapter 3328. of the Revised Code;	2099
(e) A district or school operating a career-technical	2100
education program approved by the department of education under	2101
section 3317.161 of the Revised Code;	2102
(f) A chartered nonpublic school;	2103
(g) <u>An accredited nonpublic school described in section</u>	2104
<u>3301.165 of the Revised Code;</u>	2105
<u>(h)</u> An educational service center;	2106
(h) <u>(i)</u> A preschool program or school-age child care program	2107
licensed by the department of education;	2108
(i) <u>(j)</u> Any other facility that primarily provides educational	2109
services to children subject to regulation by the department of	2110
education.	2111
(2) "Emergency management test" means a regularly scheduled	2112
drill, exercise, or activity designed to assess and evaluate an	2113
emergency management plan under this section.	2114

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

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

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

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

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

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

(ii) A site plan that includes all building property and

surrounding property;	2144
(iii) An emergency contact information sheet.	2145
(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.	2146 2147 2148 2149 2150 2151 2152
Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.	2153 2154 2155 2156
(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.	2157 2158 2159
(C)(1) The administrator shall submit to the department of education, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes.	2160 2161 2162 2163 2164 2165 2166 2167
(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:	2168 2169 2170
(a) The fire department that serves the political subdivision in which the building is located;	2171 2172

(b) The emergency medical service organization that serves	2173
the political subdivision in which the building is located;	2174
(c) The county emergency management agency for the county in	2175
which the building is located.	2176
(3) Upon receipt of an emergency management plan, the	2177
department of education shall submit the information in accordance	2178
with rules adopted by the state board of education pursuant to	2179
division (F) of this section, to both of the following:	2180
(a) The attorney general, who shall post that information on	2181
the Ohio law enforcement gateway or its successor;	2182
(b) The director of public safety, who shall post the	2183
information on the contact and information management system.	2184
(4) Any department or entity to which copies of an emergency	2185
management plan are filed under this section shall keep the copies	2186
in a secure place.	2187
(D)(1) Not later than the first day of July of each year,	2188
each administrator shall review the emergency management plan and	2189
certify to the department of education that the plan is current	2190
and accurate.	2191
(2) Anytime that an administrator updates the emergency	2192
management plan pursuant to division (C)(1) of this section, the	2193
administrator shall file copies, not later than the tenth day	2194
after the revision is adopted and in accordance with rules adopted	2195
by the state board pursuant to division (F) of this section, to	2196
the department of education and to any entity with which the	2197
administrator filed a copy under division (C)(2) of this section.	2198
(E) Each administrator shall do both of the following:	2199
(1) Prepare and conduct at least one annual emergency	2200

management test, as defined in division (A)(2) of this section, in 2201
 accordance with rules adopted by the state board pursuant to 2202
 division (F) of this section; 2203

(2) Grant access to each building under the control of the 2204
 administrator to law enforcement personnel and to entities 2205
 described in division (C)(2) of this section, to enable the 2206
 personnel and entities to hold training sessions for responding to 2207
 threats and emergency events affecting the building, provided that 2208
 the access occurs outside of student instructional hours and the 2209
 administrator, or the administrator's designee, is present in the 2210
 building during the training sessions. 2211

(F) The state board of education, in accordance with Chapter 2212
 119. of the Revised Code, shall adopt rules regarding emergency 2213
 management plans under this section, including the content of the 2214
 plans and procedures for filing the plans. The rules shall specify 2215
 that plans and information required under division (B) of this 2216
 section be submitted on standardized forms developed by the 2217
 department of education for such purpose. The rules shall also 2218
 specify the requirements and procedures for emergency management 2219
 tests conducted pursuant to division (E)(1) of this section. 2220
 Failure to comply with the rules may result in discipline pursuant 2221
 to section 3319.31 of the Revised Code or any other action against 2222
 the administrator as prescribed by rule. 2223

(G) Division (B) of section 3319.31 of the Revised Code 2224
 applies to any administrator who is subject to the requirements of 2225
 this section and is not exempt under division (H) of this section 2226
 and who is an applicant for a license or holds a license from the 2227
 state board pursuant to section 3319.22 of the Revised Code. 2228

(H) The superintendent of public instruction may exempt any 2229
 administrator from the requirements of this section, if the 2230

superintendent determines that the requirements do not otherwise
 apply to a building or buildings under the control of that
 administrator.

(I) Copies of the emergency management plan and information
 required under division (B) of this section are security records
 and are not public records pursuant to section 149.433 of the
 Revised Code. In addition, the information posted to the contact
 and information management system, pursuant to division (C)(3)(b)
 of this section, is exempt from public disclosure or release in
 accordance with sections 149.43, 149.433, and 5502.03 of the
 Revised Code.

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

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

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

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

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

(B) No school district board of education or governing
 authority of a chartered nonpublic, accredited nonpublic school
described in section 3301.165 of the Revised Code, or nonchartered
 nonpublic school shall permit a student to practice for or compete

in interscholastic athletics until the student has submitted, to a 2259
 school official designated by the board or governing authority, a 2260
 form signed by the parent, guardian, or other person having care 2261
 or charge of the student stating that the student and the parent, 2262
 guardian, or other person having care or charge of the student 2263
 have received the concussion and head injury information sheet 2264
 required by section 3707.52 of the Revised Code. A completed form 2265
 shall be submitted each school year, as defined in section 3313.62 2266
 of the Revised Code, for each sport or other category of 2267
 interscholastic athletics for or in which the student practices or 2268
 competes. 2269

(C)(1) No school district board of education or governing 2270
 authority of a chartered, accredited, or nonchartered nonpublic 2271
 school shall permit an individual to coach interscholastic 2272
 athletics unless the individual holds a pupil-activity program 2273
 permit issued under section 3319.303 of the Revised Code for 2274
 coaching interscholastic athletics. 2275

(2) No school district board of education or governing 2276
 authority of a chartered, accredited, or nonchartered nonpublic 2277
 school shall permit an individual to referee interscholastic 2278
 athletics unless the individual holds a pupil-activity program 2279
 permit issued under section 3319.303 of the Revised Code for 2280
 coaching interscholastic athletics or presents evidence that the 2281
 individual has successfully completed, within the previous three 2282
 years, a training program in recognizing the symptoms of 2283
 concussions and head injuries to which the department of health 2284
 has provided a link on its internet web site under section 3707.52 2285
 of the Revised Code or a training program authorized and required 2286
 by an organization that regulates interscholastic athletic 2287
 competition and conducts interscholastic athletic events. 2288

(D) If a student practicing for or competing in an 2289

interscholastic athletic event exhibits signs, symptoms, or	2290
behaviors consistent with having sustained a concussion or head	2291
injury while participating in the practice or competition, the	2292
student shall be removed from the practice or competition by	2293
either of the following:	2294
(1) The individual who is serving as the student's coach	2295
during that practice or competition;	2296
(2) An individual who is serving as a referee during that	2297
practice or competition.	2298
(E)(1) If a student is removed from practice or competition	2299
under division (D) of this section, the coach or referee who	2300
removed the student shall not allow the student, on the same day	2301
the student is removed, to return to that practice or competition	2302
or to participate in any other practice or competition for which	2303
the coach or referee is responsible. Thereafter, the coach or	2304
referee shall not allow the student to return to that practice or	2305
competition or to participate in any other practice or competition	2306
for which the coach or referee is responsible until both of the	2307
following conditions are satisfied:	2308
(a) The student's condition is assessed by any of the	2309
following who has complied with the requirements in division	2310
(E)(4) of this section:	2311
(i) A physician;	2312
(ii) A licensed health care professional the school district	2313
board of education or governing authority of the chartered,	2314
<u>accredited</u> , or nonchartered nonpublic school, pursuant to division	2315
(E)(2) of this section, authorizes to assess a student who has	2316
been removed from practice or competition under division (D) of	2317
this section;	2318

(iii) A licensed health care professional who meets the	2319
minimum education requirements established by rules adopted under	2320
section 3707.521 of the Revised Code by the professional's	2321
licensing agency.	2322
(b) The student receives written clearance that it is safe	2323
for the student to return to practice or competition from the	2324
physician or licensed health care professional who assessed the	2325
student's condition.	2326
(2) A school district board of education or governing	2327
authority of a chartered, <u>accredited</u> , or nonchartered nonpublic	2328
school may authorize a licensed health care professional to make	2329
an assessment or grant a clearance for purposes of division (E)(1)	2330
of this section only if the professional is acting in accordance	2331
with one of the following, as applicable to the professional's	2332
authority to practice in this state:	2333
(a) In consultation with a physician;	2334
(b) Pursuant to the referral of a physician;	2335
(c) In collaboration with a physician;	2336
(d) Under the supervision of a physician.	2337
(3) A physician or licensed health care professional who	2338
makes an assessment or grants a clearance for purposes of division	2339
(E)(1) of this section may be a volunteer.	2340
(4) Beginning one year after the effective date of this	2341
amendment <u>September 17, 2015</u> , all physicians and licensed health	2342
care professionals who conduct assessments and clearances under	2343
division (E)(1) of this section must meet the minimum education	2344
requirements established by rules adopted under section 3707.521	2345
of the Revised Code by their respective licensing agencies.	2346

(F) A school district board of education or governing authority of a chartered, accredited, or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events shall be considered to be in compliance with divisions (B), (D), and (E) of this section, as long as the requirements of those rules are substantially similar to the requirements of divisions (B), (D), and (E) of this section.

(G)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, 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.

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

(2) A chartered, accredited, or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach or referee, 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.

Sec. 3313.5311. (A) As used in this section and in section 2376
3313.5312 of the Revised Code, "extracurricular activity" has the 2377
same meaning as in section 3313.537 of the Revised Code. 2378

(B) If the nonpublic school in which the student is enrolled 2379
does not offer the extracurricular activity, a student enrolled in 2380
a chartered nonpublic school, accredited nonpublic school 2381
described in section 3301.165 of the Revised Code, or nonchartered 2382
nonpublic school shall be afforded, by the superintendent of the 2383
school district in which the student is entitled to attend school 2384
under section 3313.64 or 3313.65 of the Revised Code, the 2385
opportunity to participate in that extracurricular activity at the 2386
district school to which the student otherwise would be assigned 2387
during that school year. If more than one school operated by the 2388
school district serves the student's grade level, as determined by 2389
the district superintendent based on the student's age and 2390
academic performance, the student shall be afforded the 2391
opportunity to participate in that extracurricular activity at the 2392
school to which the student would be assigned by the 2393
superintendent under section 3319.01 of the Revised Code. 2394

(C) The superintendent of any school district may afford any 2395
student enrolled in a nonpublic school, and who is not entitled to 2396
attend school in the district under section 3313.64 or 3313.65 of 2397
the Revised Code, the opportunity to participate in an 2398
extracurricular activity offered by a school of the district, if 2399
the nonpublic school in which the student is enrolled does not 2400
offer the extracurricular activity and either of the following 2401
apply: 2402

(1) The extracurricular activity is not interscholastic 2403
athletics or interscholastic contests or competition in music, 2404
drama, or forensics. 2405

(2) The extracurricular activity is in an interscholastic 2406
athletic or interscholastic contest or competition in music, 2407
drama, or forensics. In order to participate under division (C)(2) 2408
of this section, the student shall seek to participate at either 2409
the school district in which the student's nonpublic school is 2410
located or the school district in which the student is entitled to 2411
attend school under section 3313.64 or 3313.65 of the Revised 2412
Code, so long as the chosen district offers the extracurricular 2413
activity. 2414

If the student seeks to participate under division (C)(2) of 2415
this section at the school district in which the student's 2416
nonpublic school is located, both of the following shall apply: 2417

(a) The superintendent of the school district in which the 2418
student is entitled to attend school shall certify that the 2419
student has not participated in any extracurricular activity that 2420
is in an interscholastic athletic or interscholastic contest or 2421
competition in music, drama, or forensics at that school district 2422
during that school year. If the student has participated in such 2423
an extracurricular activity at that school district during the 2424
school year, the student shall be ineligible to participate at the 2425
school district in which the student's nonpublic school is located 2426
for that school year. 2427

(b) The superintendent of the school district in which the 2428
student is entitled to attend school and the superintendent of the 2429
school district in which the student is seeking to participate 2430
shall mutually agree, in writing, to allow the student to 2431
participate in the extracurricular activity at the school district 2432
in which the student's nonpublic school is located. 2433

(D) In order to participate in an extracurricular activity 2434
under this section, the student shall be of the appropriate age 2435

and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, and shall fulfill the same academic, nonacademic, and financial requirements as any other participant.

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

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

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.

(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.

(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:

(1) English language arts, four units;	2465
(2) Health, one-half unit;	2466
(3) Mathematics, three units;	2467
(4) Physical education, one-half unit;	2468
(5) Science, two units until September 15, 2003, and three	2469
units thereafter, which at all times shall include both of the	2470
following:	2471
(a) Biological sciences, one unit;	2472
(b) Physical sciences, one unit.	2473
(6) History and government, one unit, which shall comply with	2474
division (M) of this section and shall include both of the	2475
following:	2476
(a) American history, one-half unit;	2477
(b) American government, one-half unit.	2478
(7) Social studies, two units.	2479
Beginning with students who enter ninth grade for the first	2480
time on or after July 1, 2017, the two units of instruction	2481
prescribed by division (B)(7) of this section shall include at	2482
least one-half unit of instruction in the study of world history	2483
and civilizations.	2484
(8) Elective units, seven units until September 15, 2003, and	2485
six units thereafter.	2486
Each student's electives shall include at least one unit, or	2487
two half units, chosen from among the areas of	2488
business/technology, fine arts, and/or foreign language.	2489
(C) Beginning with students who enter ninth grade for the	2490
first time on or after July 1, 2010, except as provided in	2491

divisions (D) to (F) of this section, the requirements for 2492
 graduation from every public and chartered nonpublic high school 2493
 shall include twenty units that are designed to prepare students 2494
 for the workforce and college. The units shall be distributed as 2495
 follows: 2496

(1) English language arts, four units; 2497

(2) Health, one-half unit, which shall include instruction in 2498
 nutrition and the benefits of nutritious foods and physical 2499
 activity for overall health; 2500

(3) Mathematics, four units, which shall include one unit of 2501
 algebra II or the equivalent of algebra II, or one unit of 2502
 advanced computer science as described in the standards adopted 2503
 pursuant to division (A)(4) of section 3301.079 of the Revised 2504
 Code. However, students who enter ninth grade for the first time 2505
 on or after July 1, 2015, and who are pursuing a career-technical 2506
 instructional track shall not be required to take algebra II or 2507
 advanced computer science, and instead may complete a career-based 2508
 pathway mathematics course approved by the department of education 2509
 as an alternative. 2510

For students who choose to take advanced computer science in 2511
 lieu of algebra II under division (C)(3) of this section, the 2512
 school shall communicate to those students that some institutions 2513
 of higher education may require algebra II for the purpose of 2514
 college admission. Also, the parent, guardian, or legal custodian 2515
 of each student who chooses to take advanced computer science in 2516
 lieu of algebra II shall sign and submit to the school a document 2517
 containing a statement acknowledging that not taking algebra II 2518
 may have an adverse effect on college admission decisions. 2519

(4) Physical education, one-half unit; 2520

(5) Science, three units with inquiry-based laboratory	2521
experience that engages students in asking valid scientific	2522
questions and gathering and analyzing information, which shall	2523
include the following, or their equivalent:	2524
(a) Physical sciences, one unit;	2525
(b) Life sciences, one unit;	2526
(c) Advanced study in one or more of the following sciences,	2527
one unit:	2528
(i) Chemistry, physics, or other physical science;	2529
(ii) Advanced biology or other life science;	2530
(iii) Astronomy, physical geology, or other earth or space	2531
science;	2532
(iv) Computer science.	2533
No student shall substitute a computer science course for a	2534
life sciences or biology course under division (C)(5) of this	2535
section.	2536
(6) History and government, one unit, which shall comply with	2537
division (M) of this section and shall include both of the	2538
following:	2539
(a) American history, one-half unit;	2540
(b) American government, one-half unit.	2541
(7) Social studies, two units.	2542
Each school shall integrate the study of economics and	2543
financial literacy, as expressed in the social studies academic	2544
content standards adopted by the state board of education under	2545
division (A)(1) of section 3301.079 of the Revised Code and the	2546
academic content standards for financial literacy and	2547

entrepreneurship adopted under division (A)(2) of that section, 2548
 into one or more existing social studies credits required under 2549
 division (C)(7) of this section, or into the content of another 2550
 class, so that every high school student receives instruction in 2551
 those concepts. In developing the curriculum required by this 2552
 paragraph, schools shall use available public-private partnerships 2553
 and resources and materials that exist in business, industry, and 2554
 through the centers for economics education at institutions of 2555
 higher education in the state. 2556

Beginning with students who enter ninth grade for the first 2557
 time on or after July 1, 2017, the two units of instruction 2558
 prescribed by division (C)(7) of this section shall include at 2559
 least one-half unit of instruction in the study of world history 2560
 and civilizations. 2561

(8) Five units consisting of one or any combination of 2562
 foreign language, fine arts, business, career-technical education, 2563
 family and consumer sciences, technology which may include 2564
 computer science, agricultural education, a junior reserve officer 2565
 training corps (JROTC) program approved by the congress of the 2566
 United States under title 10 of the United States Code, or English 2567
 language arts, mathematics, science, or social studies courses not 2568
 otherwise required under division (C) of this section. 2569

Ohioans must be prepared to apply increased knowledge and 2570
 skills in the workplace and to adapt their knowledge and skills 2571
 quickly to meet the rapidly changing conditions of the 2572
 twenty-first century. National studies indicate that all high 2573
 school graduates need the same academic foundation, regardless of 2574
 the opportunities they pursue after graduation. The goal of Ohio's 2575
 system of elementary and secondary education is to prepare all 2576
 students for and seamlessly connect all students to success in 2577

life beyond high school graduation, regardless of whether the next 2578
 step is entering the workforce, beginning an apprenticeship, 2579
 engaging in post-secondary training, serving in the military, or 2580
 pursuing a college degree. 2581

The requirements for graduation prescribed in division (C) of 2582
 this section are the standard expectation for all students 2583
 entering ninth grade for the first time at a public or chartered 2584
 nonpublic high school on or after July 1, 2010. A student may 2585
 satisfy this expectation through a variety of methods, including, 2586
 but not limited to, integrated, applied, career-technical, and 2587
 traditional coursework. 2588

Stronger coordination between high schools and institutions 2589
 of higher education is necessary to prepare students for more 2590
 challenging academic endeavors and to lessen the need for academic 2591
 remediation in college, thereby reducing the costs of higher 2592
 education for Ohio's students, families, and the state. The state 2593
 board and the chancellor of higher education shall develop 2594
 policies to ensure that only in rare instances will students who 2595
 complete the requirements for graduation prescribed in division 2596
 (C) of this section require academic remediation after high 2597
 school. 2598

School districts, community schools, and chartered nonpublic 2599
 schools shall integrate technology into learning experiences 2600
 across the curriculum in order to maximize efficiency, enhance 2601
 learning, and prepare students for success in the 2602
 technology-driven twenty-first century. Districts and schools 2603
 shall use distance and web-based course delivery as a method of 2604
 providing or augmenting all instruction required under this 2605
 division, including laboratory experience in science. Districts 2606
 and schools shall utilize technology access and electronic 2607

learning opportunities provided by the broadcast educational media 2608
commission, chancellor, the Ohio learning network, education 2609
technology centers, public television stations, and other public 2610
and private providers. 2611

(D) Except as provided in division (E) of this section, a 2612
student who enters ninth grade on or after July 1, 2010, and 2613
before July 1, 2016, may qualify for graduation from a public or 2614
chartered nonpublic high school even though the student has not 2615
completed the requirements for graduation prescribed in division 2616
(C) of this section if all of the following conditions are 2617
satisfied: 2618

(1) During the student's third year of attending high school, 2619
as determined by the school, the student and the student's parent, 2620
guardian, or custodian sign and file with the school a written 2621
statement asserting the parent's, guardian's, or custodian's 2622
consent to the student's graduating without completing the 2623
requirements for graduation prescribed in division (C) of this 2624
section and acknowledging that one consequence of not completing 2625
those requirements is ineligibility to enroll in most state 2626
universities in Ohio without further coursework. 2627

(2) The student and parent, guardian, or custodian fulfill 2628
any procedural requirements the school stipulates to ensure the 2629
student's and parent's, guardian's, or custodian's informed 2630
consent and to facilitate orderly filing of statements under 2631
division (D)(1) of this section. Annually, each district or school 2632
shall notify the department of the number of students who choose 2633
to qualify for graduation under division (D) of this section and 2634
the number of students who complete the student's success plan and 2635
graduate from high school. 2636

(3) The student and the student's parent, guardian, or 2637

custodian and a representative of the student's high school	2638
jointly develop a student success plan for the student in the	2639
manner described in division (C)(1) of section 3313.6020 of the	2640
Revised Code that specifies the student matriculating to a	2641
two-year degree program, acquiring a business and	2642
industry-recognized credential, or entering an apprenticeship.	2643
(4) The student's high school provides counseling and support	2644
for the student related to the plan developed under division	2645
(D)(3) of this section during the remainder of the student's high	2646
school experience.	2647
(5)(a) Except as provided in division (D)(5)(b) of this	2648
section, the student successfully completes, at a minimum, the	2649
curriculum prescribed in division (B) of this section.	2650
(b) Beginning with students who enter ninth grade for the	2651
first time on or after July 1, 2014, a student shall be required	2652
to complete successfully, at the minimum, the curriculum	2653
prescribed in division (B) of this section, except as follows:	2654
(i) Mathematics, four units, one unit which shall be one of	2655
the following:	2656
(I) Probability and statistics;	2657
(II) Computer science;	2658
(III) Applied mathematics or quantitative reasoning;	2659
(IV) Any other course approved by the department using	2660
standards established by the superintendent not later than October	2661
1, 2014.	2662
(ii) Elective units, five units;	2663
(iii) Science, three units as prescribed by division (B) of	2664
this section which shall include inquiry-based laboratory	2665

experience that engages students in asking valid scientific 2666
questions and gathering and analyzing information. 2667

The department, in collaboration with the chancellor, shall 2668
analyze student performance data to determine if there are 2669
mitigating factors that warrant extending the exception permitted 2670
by division (D) of this section to high school classes beyond 2671
those entering ninth grade before July 1, 2016. The department 2672
shall submit its findings and any recommendations not later than 2673
December 1, 2015, to the speaker and minority leader of the house 2674
of representatives, the president and minority leader of the 2675
senate, the chairpersons and ranking minority members of the 2676
standing committees of the house of representatives and the senate 2677
that consider education legislation, the state board of education, 2678
and the superintendent of public instruction. 2679

(E) Each school district and chartered nonpublic school 2680
retains the authority to require an even more challenging minimum 2681
curriculum for high school graduation than specified in division 2682
(B) or (C) of this section. A school district board of education, 2683
through the adoption of a resolution, or the governing authority 2684
of a chartered nonpublic school may stipulate any of the 2685
following: 2686

(1) A minimum high school curriculum that requires more than 2687
twenty units of academic credit to graduate; 2688

(2) An exception to the district's or school's minimum high 2689
school curriculum that is comparable to the exception provided in 2690
division (D) of this section but with additional requirements, 2691
which may include a requirement that the student successfully 2692
complete more than the minimum curriculum prescribed in division 2693
(B) of this section; 2694

(3) That no exception comparable to that provided in division 2695

(D) of this section is available.	2696
(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:	2697 2698 2699 2700 2701 2702 2703 2704 2705 2706
(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	2707 2708
(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.	2709 2710 2711 2712 2713
(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 under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.	2714 2715 2716 2717 2718 2719
(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.	2720 2721 2722 2723 2724

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or 2754
to reject the program application for the waiver within sixty days 2755
as required under this section, the waiver shall be considered to 2756
be granted. 2757

(G) Every high school may permit students below the ninth 2758
grade to take advanced work. If a high school so permits, it shall 2759
award high school credit for successful completion of the advanced 2760
work and shall count such advanced work toward the graduation 2761
requirements of division (B) or (C) of this section if the 2762
advanced work was both: 2763

(1) Taught by a person who possesses a license or certificate 2764
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 2765
Code that is valid for teaching high school; 2766

(2) Designated by the board of education of the city, local, 2767
or exempted village school district, the board of the cooperative 2768
education school district, or the governing authority of the 2769
chartered nonpublic school as meeting the high school curriculum 2770
requirements. 2771

Each high school shall record on the student's high school 2772
transcript all high school credit awarded under division (G) of 2773
this section. In addition, if the student completed a seventh- or 2774
eighth-grade fine arts course described in division (K) of this 2775
section and the course qualified for high school credit under that 2776
division, the high school shall record that course on the 2777
student's high school transcript. 2778

(H) The department shall make its individual academic career 2779
plan available through its Ohio career information system web site 2780
for districts and schools to use as a tool for communicating with 2781
and providing guidance to students and families in selecting high 2782
school courses. 2783

(I) A school district or chartered nonpublic school may 2784
 integrate academic content in a subject area for which the state 2785
 board has adopted standards under section 3301.079 of the Revised 2786
 Code into a course in a different subject area, including a 2787
 career-technical education course, in accordance with guidance for 2788
 integrated coursework developed by the department. Upon successful 2789
 completion of an integrated course, a student may receive credit 2790
 for both subject areas that were integrated into the course. Units 2791
 earned for subject area content delivered through integrated 2792
 academic and career-technical instruction are eligible to meet the 2793
 graduation requirements of division (B) or (C) of this section. 2794

For purposes of meeting graduation requirements, if an 2795
 end-of-course examination has been prescribed under section 2796
 3301.0712 of the Revised Code for the subject area delivered 2797
 through integrated instruction, the school district or school may 2798
 administer the related subject area examinations upon the 2799
 student's completion of the integrated course. 2800

Nothing in division (I) of this section shall be construed to 2801
 excuse any school district, chartered nonpublic school, or student 2802
 from any requirement in the Revised Code related to curriculum, 2803
 assessments, or the awarding of a high school diploma. 2804

(J)(1) The state board, in consultation with the chancellor, 2805
 shall adopt a statewide plan implementing methods for students to 2806
 earn units of high school credit based on a demonstration of 2807
 subject area competency, instead of or in combination with 2808
 completing hours of classroom instruction. The state board shall 2809
 adopt the plan not later than March 31, 2009, and commence phasing 2810
 in the plan during the 2009-2010 school year. The plan shall 2811
 include a standard method for recording demonstrated proficiency 2812
 on high school transcripts. Each school district and community 2813

school shall comply with the state board's plan adopted under this 2814
division and award units of high school credit in accordance with 2815
the plan. The state board may adopt existing methods for earning 2816
high school credit based on a demonstration of subject area 2817
competency as necessary prior to the 2009-2010 school year. 2818

(2) Not later than December 31, 2015, the state board shall 2819
update the statewide plan adopted pursuant to division (J)(1) of 2820
this section to also include methods for students enrolled in 2821
seventh and eighth grade to meet curriculum requirements based on 2822
a demonstration of subject area competency, instead of or in 2823
combination with completing hours of classroom instruction. 2824
Beginning with the 2017-2018 school year, each school district and 2825
community school also shall comply with the updated plan adopted 2826
pursuant to this division and permit students enrolled in seventh 2827
and eighth grade to meet curriculum requirements based on subject 2828
area competency in accordance with the plan. 2829

(3) Not later than December 31, 2017, the department shall 2830
develop a framework for school districts and community schools to 2831
use in granting units of high school credit to students who 2832
demonstrate subject area competency through work-based learning 2833
experiences, internships, or cooperative education. Beginning with 2834
the 2018-2019 school year, each district and community school 2835
shall comply with the framework. Each district and community 2836
school also shall review any policy it has adopted regarding the 2837
demonstration of subject area competency to identify ways to 2838
incorporate work-based learning experiences, internships, and 2839
cooperative education into the policy in order to increase student 2840
engagement and opportunities to earn units of high school credit. 2841

(K) This division does not apply to students who qualify for 2842
graduation from high school under division (D) or (F) of this 2843

section, or to students pursuing a career-technical instructional 2844
 track as determined by the school district board of education or 2845
 the chartered nonpublic school's governing authority. 2846
 Nevertheless, the general assembly encourages such students to 2847
 consider enrolling in a fine arts course as an elective. 2848

Beginning with students who enter ninth grade for the first 2849
 time on or after July 1, 2010, each student enrolled in a public 2850
 or chartered nonpublic high school shall complete two semesters or 2851
 the equivalent of fine arts to graduate from high school. The 2852
 coursework may be completed in any of grades seven to twelve. Each 2853
 student who completes a fine arts course in grade seven or eight 2854
 may elect to count that course toward the five units of electives 2855
 required for graduation under division (C)(8) of this section, if 2856
 the course satisfied the requirements of division (G) of this 2857
 section. In that case, the high school shall award the student 2858
 high school credit for the course and count the course toward the 2859
 five units required under division (C)(8) of this section. If the 2860
 course in grade seven or eight did not satisfy the requirements of 2861
 division (G) of this section, the high school shall not award the 2862
 student high school credit for the course but shall count the 2863
 course toward the two semesters or the equivalent of fine arts 2864
 required by this division. 2865

(L) Notwithstanding anything to the contrary in this section, 2866
 the board of education of each school district and the governing 2867
 authority of each chartered nonpublic school may adopt a policy to 2868
 excuse from the high school physical education requirement each 2869
 student who, during high school, has participated in 2870
 interscholastic athletics, marching band, or cheerleading for at 2871
 least two full seasons or in the junior reserve officer training 2872
 corps for at least two full school years. If the board or 2873
 authority adopts such a policy, the board or authority shall not 2874

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 participated in the junior reserve officer training corps
 for at least two full school years, credit received for that
 participation may be used to satisfy the requirement to complete
 one-half unit in another course of study.

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

(1) The Declaration of Independence; 2890

(2) The Northwest Ordinance; 2891

(3) The Constitution of the United States with emphasis on
 the Bill of Rights; 2892
 2893

(4) The Ohio Constitution. 2894

The study of each of the documents prescribed in divisions
 (M)(1) to (4) of this section shall include study of that document
 in its original context. 2895
 2896
 2897

The study of American history and government required by
 divisions (B)(6) and (C)(6) of this section shall include the
 historical evidence of the role of documents such as the
 Federalist Papers and the Anti-Federalist Papers to firmly
 establish the historical background leading to the establishment
 of the provisions of the Constitution and Bill of Rights. 2898
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(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.

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

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

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section, a student of a school operated by a city, local, exempted village, or joint vocational school district ~~or~~, a student of a chartered nonpublic school, or a student of an accredited nonpublic school described in section 3301.165 of the Revised Code may possess and use a metered dose inhaler or a dry powder inhaler to alleviate

asthmatic symptoms, or before exercise to prevent the onset of	2933
asthmatic symptoms, if both of the following conditions are	2934
satisfied:	2935
(1) The student has the written approval of the student's	2936
physician and, if the student is a minor, the written approval of	2937
the parent, guardian, or other person having care or charge of the	2938
student. The physician's written approval shall include at least	2939
all of the following information:	2940
(a) The student's name and address;	2941
(b) The names and dose of the medication contained in the	2942
inhaler;	2943
(c) The date the administration of the medication is to	2944
begin;	2945
(d) The date, if known, that the administration of the	2946
medication is to cease;	2947
(e) Written instructions that outline procedures school	2948
personnel should follow in the event that the asthma medication	2949
does not produce the expected relief from the student's asthma	2950
attack;	2951
(f) Any severe adverse reactions that may occur to the child	2952
using the inhaler and that should be reported to the physician;	2953
(g) Any severe adverse reactions that may occur to another	2954
child, for whom the inhaler is not prescribed, should such a child	2955
receive a dose of the medication;	2956
(h) At least one emergency telephone number for contacting	2957
the physician in an emergency;	2958
(i) At least one emergency telephone number for contacting	2959
the parent, guardian, or other person having care or charge of the	2960

student in an emergency;	2961
(j) Any other special instructions from the physician.	2962
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (A)(1) of this section.	2963 2964 2965 2966
If these conditions are satisfied, the student may possess and use the inhaler at school or at any activity, event, or program sponsored by or in which the student's school is a participant.	2967 2968 2969 2970
(B)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's prohibiting a student from using an inhaler because of the employee's good faith belief that the conditions of divisions (A)(1) and (2) of this section had not been satisfied. A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's permitting a student to use an inhaler because of the employee's good faith belief that the conditions of divisions (A)(1) and (2) of this section had been satisfied. Furthermore, when a school district is required by this section to permit a student to possess and use an inhaler because the conditions of divisions (A)(1) and (2) of this section have been satisfied, the school district, any member of the school district board of education, or any school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a student for whom it was	2971 2972 2973 2974 2975 2976 2977 2978 2979 2980 2981 2982 2983 2984 2985 2986 2987 2988 2989 2990

not prescribed. 2991

This section does not eliminate, limit, or reduce any other 2992
immunity or defense that a school district, member of a school 2993
district board of education, or school district employee may be 2994
entitled to under Chapter 2744. or any other provision of the 2995
Revised Code or under the common law of this state. 2996

(2) A chartered or an accredited nonpublic school or any 2997
officer, director, or employee of the school is not liable in 2998
damages in a civil action for injury, death, or loss to person or 2999
property allegedly arising from a school employee's prohibiting a 3000
student from using an inhaler because of the employee's good faith 3001
belief that the conditions of divisions (A)(1) and (2) of this 3002
section had not been satisfied. A chartered or an accredited 3003
nonpublic school or any officer, director, or employee of the 3004
school is not liable in damages in a civil action for injury, 3005
death, or loss to person or property allegedly arising from a 3006
school employee's permitting a student to use an inhaler because 3007
of the employee's good faith belief that the conditions of 3008
divisions (A)(1) and (2) of this section had been satisfied. 3009
Furthermore, when a chartered or an accredited nonpublic school is 3010
required by this section to permit a student to possess and use an 3011
inhaler because the conditions of divisions (A)(1) and (2) of this 3012
section have been satisfied, the chartered or accredited nonpublic 3013
school or any officer, director, or employee of the school is not 3014
liable in damages in a civil action for injury, death, or loss to 3015
person or property allegedly arising from the use of the inhaler 3016
by a student for whom it was not prescribed. 3017

Sec. 3313.717. (A) As used in this section, "automated 3018
external defibrillator" means a specialized defibrillator that is 3019
approved for use as a medical device by the United States food and 3020

drug administration for performing automated external 3021
defibrillation, as defined in section 2305.235 of the Revised 3022
Code. 3023

(B)(1) The board of education of each school district may 3024
require the placement of an automated external defibrillator in 3025
each school under the control of the board. Not later than July 1, 3026
2018, pursuant to section 3313.6023 of the Revised Code, all 3027
persons employed by a school district shall receive training in 3028
the use of an automated external defibrillator in accordance with 3029
that section, except for substitutes, adult education instructors 3030
who are scheduled to work the full-time equivalent of less than 3031
one hundred twenty days per school year, or persons who are 3032
employed on an as-needed, seasonal, or intermittent basis, so long 3033
as the persons are not employed to coach or supervise 3034
interscholastic athletics. 3035

(2) The administrative authority of each chartered nonpublic 3036
school and the administrative authority of each accredited 3037
nonpublic school described in section 3301.165 of the Revised Code 3038
may require the placement of an automated external defibrillator 3039
in each school under the control of the authority. If an authority 3040
requires the placement of an automated external defibrillator as 3041
provided in this section, the authority also shall require that a 3042
sufficient number of the staff persons assigned to each school 3043
under the control of the authority successfully complete an 3044
appropriate training course in the use of an automated external 3045
defibrillator as described in section 3701.85 of the Revised Code. 3046

(C) In regard to the use of an automated external 3047
defibrillator that is placed in a school as specified in this 3048
section, and except in the case of willful or wanton misconduct or 3049
when there is no good faith attempt to activate an emergency 3050

medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.

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

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

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

(a) The student's name and address;

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

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

(d) The date, if known, that the administration of the

medication is to cease;	3079
(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;	3080 3081 3082 3083
(f) Circumstances in which the autoinjector should be used;	3084
(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;	3085 3086 3087 3088
(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;	3089 3090
(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;	3091 3092 3093
(j) At least one emergency telephone number for contacting the prescriber in an emergency;	3094 3095
(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	3096 3097 3098
(1) Any other special instructions from the prescriber.	3099
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (B)(1) of this section.	3100 3101 3102 3103
(3) The school principal or, if a school nurse is assigned to the student's school building, the school nurse has received a backup dose of the anaphylaxis medication from the parent,	3104 3105 3106

guardian, or other person having care or charge of the student or, 3107
 if the student is not a minor, from the student. 3108

If these conditions are satisfied, the student may possess 3109
 and use the autoinjector at school or at any activity, event, or 3110
 program sponsored by or in which the student's school is a 3111
 participant. 3112

(C) Whenever a student uses an autoinjector at school or at 3113
 any activity, event, or program sponsored by or in which the 3114
 student's school is a participant or whenever a school employee 3115
 administers anaphylaxis medication to a student that was possessed 3116
 by the student pursuant to the written approvals described in 3117
 division (B)(1) of this section, a school employee shall 3118
 immediately request assistance from an emergency medical service 3119
 provider. 3120

(D)(1) A school district, member of a school district board 3121
 of education, or school district employee is not liable in damages 3122
 in a civil action for injury, death, or loss to person or property 3123
 allegedly arising from a district employee's prohibiting a student 3124
 from using an autoinjector because of the employee's good faith 3125
 belief that the conditions of division (B) of this section had not 3126
 been satisfied. A school district, member of a school district 3127
 board of education, or school district employee is not liable in 3128
 damages in a civil action for injury, death, or loss to person or 3129
 property allegedly arising from a district employee's permitting a 3130
 student to use an autoinjector because of the employee's good 3131
 faith belief that the conditions of division (B) of this section 3132
 had been satisfied. Furthermore, when a school district is 3133
 required by this section to permit a student to possess and use an 3134
 autoinjector because the conditions of division (B) of this 3135
 section have been satisfied, the school district, any member of 3136

the school district board of education, or any school district
employee is not liable in damages in a civil action for injury,
death, or loss to person or property allegedly arising from the
use of the autoinjector by a student for whom it was not
prescribed.

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

(2) A chartered or an accredited nonpublic school or any
officer, director, or employee of the school is not liable in
damages in a civil action for injury, death, or loss to person or
property allegedly arising from a school employee's prohibiting a
student from using an autoinjector because of the employee's good
faith belief that the conditions of division (B) of this section
had not been satisfied. A chartered or an accredited nonpublic
school or any officer, director, or employee of the school is not
liable in damages in a civil action for injury, death, or loss to
person or property allegedly arising from a school employee's
permitting a student to use an autoinjector because of the
employee's good faith belief that the conditions of division (B)
of this section had been satisfied. Furthermore, when a chartered
or an accredited nonpublic school is required by this section to
permit a student to possess and use an autoinjector because the
conditions of division (B) of this section have been satisfied,
the chartered or accredited nonpublic school or any officer,
director, or employee of the school is not liable in damages in a
civil action for injury, death, or loss to person or property
allegedly arising from the use of the autoinjector by a student
for whom it was not prescribed.

Sec. 3313.719. The board of education of each city, local, 3168
 exempted village, and joint vocational school district ~~and~~, the 3169
 governing authority of each chartered nonpublic school, and the 3170
governing authority of each accredited nonpublic school described 3171
in section 3301.165 of the Revised Code shall establish a written 3172
 policy with respect to protecting students with peanut or other 3173
 food allergies. The policy shall be developed in consultation with 3174
 parents, school nurses and other school employees, school 3175
 volunteers, students, and community members. 3176

Sec. 3313.7111. (A) With the approval of its governing 3177
 authority, a chartered nonpublic school, accredited nonpublic 3178
school described in section 3301.165 of the Revised Code, or 3179
 nonchartered nonpublic school may procure epinephrine 3180
 autoinjectors in the manner prescribed by section 3313.7110 of the 3181
 Revised Code. A chartered, accredited, or nonchartered nonpublic 3182
 school that elects to do so shall comply with all provisions of 3183
 that section as if it were a school district. 3184

(B)(1) The following are not liable in damages in a civil 3185
 action for injury, death, or loss to person or property that 3186
 allegedly arises from an act or omission associated with 3187
 procuring, maintaining, accessing, or using an epinephrine 3188
 autoinjector under this section, unless the act or omission 3189
 constitutes willful or wanton misconduct: 3190

(a) A chartered, accredited, or nonchartered nonpublic 3191
 school; 3192

(b) A member of a chartered, accredited, or nonchartered 3193
 nonpublic school governing authority; 3194

(c) An employee or contractor of the school; 3195

(d) A licensed health professional authorized to prescribe 3196
 drugs who personally furnishes or prescribes epinephrine 3197
 autoinjectors, provides a consultation, or issues a protocol 3198
 pursuant to this section. 3199

(2) This division does not eliminate, limit, or reduce any 3200
 other immunity or defense that a chartered, accredited, or 3201
 nonchartered nonpublic school or governing authority, member of a 3202
 chartered, accredited, or nonchartered nonpublic school governing 3203
 authority, chartered, accredited, or nonchartered nonpublic school 3204
 employee or contractor, or licensed health professional may be 3205
 entitled to under any other provision of the Revised Code or the 3206
 common law of this state. 3207

(C) A chartered, accredited, or nonchartered nonpublic school 3208
 may accept donations of epinephrine autoinjectors from a wholesale 3209
 distributor of dangerous drugs or a manufacturer of dangerous 3210
 drugs, as defined in section 4729.01 of the Revised Code, and may 3211
 accept donations of money from any person to purchase epinephrine 3212
 autoinjectors. 3213

(D) A chartered, accredited, or nonchartered nonpublic school 3214
 that elects to procure epinephrine autoinjectors under this 3215
 section shall report to the department of education each 3216
 procurement and occurrence in which an epinephrine autoinjector is 3217
 used from the school's supply of epinephrine autoinjectors. 3218

Sec. 3313.7112. (A) As used in this section: 3219

(1) "Board of education" means a board of education of a 3220
 city, local, exempted village, or joint vocational school 3221
 district. 3222

(2) "Governing authority" means a governing authority of a 3223
 chartered nonpublic school or an accredited nonpublic school 3224

<u>operating under section 3301.165 of the Revised Code.</u>	3225
(3) "Licensed health care professional" means any of the	3226
following:	3227
(a) A physician authorized under Chapter 4731. of the Revised	3228
Code to practice medicine and surgery or osteopathic medicine and	3229
surgery;	3230
(b) A registered nurse, advanced practice registered nurse,	3231
or licensed practical nurse licensed under Chapter 4723. of the	3232
Revised Code;	3233
(c) A physician assistant licensed under Chapter 4730. of the	3234
Revised Code.	3235
(4) "Local health department" means a department operated by	3236
a board of health of a city or general health district or the	3237
authority having the duties of a board of health as described in	3238
section 3709.05 of the Revised Code.	3239
(5) "School employee" or "employee" means either of the	3240
following:	3241
(a) A person employed by a board of education or governing	3242
authority;	3243
(b) A licensed health care professional employed by or under	3244
contract with a local health department who is assigned to a	3245
school in a city, local, exempted village, or joint vocational	3246
school district or , <u>a chartered nonpublic school, or an accredited</u>	3247
<u>nonpublic school described in section 3301.165 of the Revised</u>	3248
<u>Code.</u>	3249
(6) "Treating practitioner" means any of the following who	3250
has primary responsibility for treating a student's diabetes and	3251
has been identified as such by the student's parent, guardian, or	3252
other person having care or charge of the student or, if the	3253

student is at least eighteen years of age, by the student:	3254
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	3255 3256 3257
(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;	3258 3259 3260 3261 3262 3263
(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.	3264 3265 3266 3267
(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.	3268 3269 3270
(B)(1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following:	3271 3272 3273 3274 3275 3276
(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;	3277 3278 3279
(b) Responding to blood glucose levels that are outside of the student's target range;	3280 3281
(c) In the case of severe hypoglycemia, administering	3282

glucagon and other emergency treatments as prescribed;	3283
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	3284 3285 3286
(e) Providing oral diabetes medications;	3287
(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;	3288 3289 3290
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	3291 3292
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	3293 3294 3295
(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 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.	3296 3297 3298 3299 3300 3301 3302 3303 3304 3305 3306
(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section.	3307 3308 3309 3310 3311

Medication administration may be provided under this section only 3312
 when the conditions prescribed in division (C) of section 3313.713 3313
 of the Revised Code are satisfied. 3314

Notwithstanding division (D) of section 3313.713 of the 3315
 Revised Code, medication that is to be administered under this 3316
 section may be kept in an easily accessible location. 3317

(D)(1) The department of education shall adopt nationally 3318
 recognized guidelines, as determined by the department, for the 3319
 training of school employees in diabetes care for students. In 3320
 doing so, the department shall consult with the department of 3321
 health, the American diabetes association, and the Ohio school 3322
 nurses association. The department may consult with any other 3323
 organizations as determined appropriate by the department. 3324

(2) The guidelines shall address all of the following issues: 3325

(a) Recognizing the symptoms of hypoglycemia and 3326
 hyperglycemia; 3327

(b) The appropriate treatment for a student who exhibits the 3328
 symptoms of hypoglycemia or hyperglycemia; 3329

(c) Recognizing situations that require the provision of 3330
 emergency medical assistance to a student; 3331

(d) Understanding the appropriate treatment for a student, 3332
 based on an order issued by the student's treating practitioner, 3333
 if the student's blood glucose level is not within the target 3334
 range indicated by the order; 3335

(e) Understanding the instructions in an order issued by a 3336
 student's treating practitioner concerning necessary medications; 3337

(f) Performing blood glucose and ketone tests for a student 3338
 in accordance with an order issued by the student's treating 3339

practitioner and recording the results of those tests; 3340

(g) Administering insulin, glucagon, or other medication to a 3341
student in accordance with an order issued by the student's 3342
treating practitioner and recording the results of the 3343
administration; 3344

(h) Understanding the relationship between the diet 3345
recommended in an order issued by a student's treating 3346
practitioner and actions that may be taken if the recommended diet 3347
is not followed. 3348

(E)(1) To ensure that a student with diabetes receives the 3349
diabetes care specified in division (B) of this section, a board 3350
of education or governing authority may provide training that 3351
complies with the guidelines developed under division (D) of this 3352
section to a school employee at each school attended by a student 3353
with diabetes. With respect to any training provided, all of the 3354
following apply: 3355

(a) The training shall be coordinated by a school nurse or, 3356
if the school does not employ a school nurse, a licensed health 3357
care professional with expertise in diabetes who is approved by 3358
the school to provide the training. 3359

(b) The training shall take place prior to the beginning of 3360
each school year or, as needed, not later than fourteen days after 3361
receipt by the board of education or governing authority of an 3362
order signed by the treating practitioner of a student with 3363
diabetes. 3364

(c) On completion of the training, the board of education or 3365
governing authority, in a manner it determines, shall determine 3366
whether each employee trained is competent to provide diabetes 3367
care. 3368

(d) The school nurse or approved licensed health care professional with expertise in diabetes care shall promptly provide all necessary follow-up training and supervision to an employee who receives training.	3369 3370 3371 3372
(2) The principal of a school attended by a student with diabetes or another school official authorized to act on behalf of the principal may distribute a written notice to each employee containing all of the following:	3373 3374 3375 3376
(a) A statement that the school is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care;	3377 3378 3379
(b) A description of the tasks to be performed;	3380
(c) A statement that participation is voluntary and that the school district or governing authority will not take action against an employee who does not agree to provide diabetes care;	3381 3382 3383
(d) A statement that training will be provided by a licensed health care professional to an employee who agrees to provide care;	3384 3385 3386
(e) A statement that a trained employee is immune from liability under division (J) of this section;	3387 3388
(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care.	3389 3390
(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.	3391 3392 3393 3394
(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this	3395 3396

section. 3397

(F) A board of education or governing authority may provide 3398
training in the recognition of hypoglycemia and hyperglycemia and 3399
actions to take in response to emergency situations involving 3400
these conditions to both of the following: 3401

(1) A school employee who has primary responsibility for 3402
supervising a student with diabetes during some portion of the 3403
school day; 3404

(2) A bus driver employed by a school district ~~or~~, chartered 3405
nonpublic school, or accredited nonpublic school described in 3406
section 3301.165 of the Revised Code, who is responsible for the 3407
transportation of a student with diabetes. 3408

(G) A student with diabetes shall be permitted to attend the 3409
school the student would otherwise attend if the student did not 3410
have diabetes and the diabetes care specified in division (B) of 3411
this section shall be provided at the school. A board of education 3412
or governing authority shall not restrict a student who has 3413
diabetes from attending the school on the basis that the student 3414
has diabetes, that the school does not have a full-time school 3415
nurse, or that the school does not have an employee trained in 3416
diabetes care. The school shall not require or pressure a parent, 3417
guardian, or other person having care or charge of a student to 3418
provide diabetes care for the student with diabetes at school or 3419
school-related activities. 3420

(H)(1) Notwithstanding section 3313.713 of the Revised Code 3421
or any policy adopted under that section and except as provided in 3422
division (H)(2) of this section, on written request of the parent, 3423
guardian, or other person having care or charge of a student and 3424
authorization by the student's treating practitioner, a student 3425
with diabetes shall be permitted during regular school hours and 3426

school-sponsored activities to attend to the care and management 3427
of the student's diabetes in accordance with the order issued by 3428
the student's treating practitioner if the student's treating 3429
practitioner determines that the student is capable of performing 3430
diabetes care tasks. The student shall be permitted to perform 3431
diabetes care tasks in a classroom, in any area of the school or 3432
school grounds, and at any school-related activity, and to possess 3433
on the student's self at all times all necessary supplies and 3434
equipment to perform these tasks. If the student or the parent, 3435
guardian, or other person having care or charge of the student so 3436
requests, the student shall have access to a private area for 3437
performing diabetes care tasks. 3438

(2) If the student performs any diabetes care tasks or uses 3439
medical equipment for purposes other than the student's own care, 3440
the board of education or governing authority may revoke the 3441
student's permission to attend to the care and management of the 3442
student's diabetes. 3443

(I)(1) Notwithstanding any other provision of the Revised 3444
Code to the contrary, a licensed health care professional shall be 3445
permitted to provide training to a school employee under division 3446
(E) of this section or to supervise the employee in performing 3447
diabetes care tasks. 3448

(2) Nothing in this section diminishes the rights of eligible 3449
students or the obligations of school districts or governing 3450
authorities under the "Individuals with Disabilities Education 3451
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 3452
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 3453
U.S.C. 12101 et seq. 3454

(J)(1) A school or school district, a member of a board or 3455
governing authority, or a district or school employee is not 3456

liable in damages in a civil action for injury, death, or loss to 3457
 person or property allegedly arising from providing care or 3458
 performing duties under this section unless the act or omission 3459
 constitutes willful or wanton misconduct. 3460

This section does not eliminate, limit, or reduce any other 3461
 immunity or defense that a school or school district, member of a 3462
 board of education or governing authority, or district or school 3463
 employee may be entitled to under Chapter 2744. or any other 3464
 provision of the Revised Code or under the common law of this 3465
 state. 3466

(2) A school employee shall not be subject to disciplinary 3467
 action under school or district policies for providing care or 3468
 performing duties under this section. 3469

(3) A school nurse or other licensed health care professional 3470
 shall be immune from disciplinary action by the board of nursing 3471
 or any other regulatory board for providing care or performing 3472
 duties under this section if the care provided or duties performed 3473
 are consistent with applicable professional standards. 3474

(K)(1) Not later than the last day of December of each year, 3475
 a board of education or governing authority shall report to the 3476
 department of education both of the following: 3477

(a) The number of students with diabetes enrolled in the 3478
 school district ~~or~~, chartered nonpublic school, or accredited 3479
nonpublic school during the previous school year; 3480

(b) The number of errors associated with the administration 3481
 of diabetes medication to students with diabetes during the 3482
 previous school year. 3483

(2) Not later than the last day of March of each year, the 3484
 department shall issue a report summarizing the information 3485

received by the department under division (K)(1) of this section 3486
 for the previous school year. The department shall make the report 3487
 available on its internet web site. 3488

Sec. 3313.7114. (A) As used in this section, "inhaler" has 3489
 the same meaning as in section 3313.7113 of the Revised Code. 3490

(B) With the approval of its governing authority, a chartered 3491
nonpublic school, accredited nonpublic school described in section 3492
3301.165 of the Revised Code, or nonchartered nonpublic school may 3493
 procure inhalers in the manner prescribed by section 3313.7113 of 3494
 the Revised Code. A chartered, accredited, or nonchartered 3495
 nonpublic school that elects to do so shall comply with all 3496
 provisions of that section as if it were a school district. 3497

(C) A chartered, accredited, or nonchartered nonpublic 3498
 school, a member of a chartered, accredited, or nonchartered 3499
 nonpublic school governing authority, or an employee or contractor 3500
 of the school is not liable in damages in a civil action for 3501
 injury, death, or loss to person or property that allegedly arises 3502
 from an act or omission associated with procuring, maintaining, 3503
 accessing, or using an inhaler under this section, unless the act 3504
 or omission constitutes willful or wanton misconduct. 3505

(D) A chartered, accredited, or nonchartered nonpublic school 3506
 may accept donations of inhalers from a wholesale distributor of 3507
 dangerous drugs or a manufacturer of dangerous drugs, as defined 3508
 in section 4729.01 of the Revised Code, and may accept donations 3509
 of money from any person to purchase inhalers. 3510

(E) A chartered, accredited, or nonchartered nonpublic school 3511
 that elects to procure inhalers under this section shall report to 3512
 the department of education each procurement and occurrence in 3513
 which an inhaler is used from the school's supply of inhalers. 3514

Sec. 3313.813. (A) As used in this section: 3515

(1) "Outdoor education center" means a public or nonprofit 3516
private entity that provides to pupils enrolled in any public or 3517
accredited or chartered nonpublic elementary or secondary school 3518
an outdoor educational curriculum that the school considers to be 3519
part of its educational program. 3520

(2) "Outside-school-hours care center" has the meaning 3521
established in 7 C.F.R. 226.2. 3522

(3) "Accredited nonpublic school" means an accredited 3523
nonpublic school as described in section 3301.165 of the Revised 3524
Code. 3525

(B) The state board of education shall establish standards 3526
for a school lunch program, school breakfast program, child and 3527
adult care food program, special food service program for 3528
children, summer food service program for children, special milk 3529
program for children, food service equipment assistance program, 3530
and commodity distribution program established under the "National 3531
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 3532
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 3533
U.S.C. 1771, as amended. Any board of education of a school 3534
district, nonprofit private school, outdoor education center, 3535
child care institution, outside-school-hours care center, or 3536
summer camp desiring to participate in such a program or required 3537
to participate under this section shall, if eligible to 3538
participate under the "National School Lunch Act," as amended, or 3539
the "Child Nutrition Act of 1966," as amended, make application to 3540
the state board of education for assistance. The board shall 3541
administer the allocation and distribution of all state and 3542
federal funds for these programs. 3543

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

(1) The state board shall require the board of education in each school district to establish a breakfast program in every school where at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts and to establish a lunch program in every school where at least one-fifth of the pupils are eligible for free lunches. The board of education required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

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

(3) The state board shall require the board of education in each school district to 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:

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

1966"; 3574

(b) An extension of the school lunch program pursuant to 3575
those acts; 3576

(c) A summer food service program pursuant to those acts. 3577

(4)(a) If the board of education of a school district 3578
determines that, for financial reasons, it cannot comply with 3579
division (C)(1) or (3) of this section, the district board may 3580
choose not to comply with either or both divisions, except as 3581
provided in divisions (C)(4)(b) and (c) of this section. The 3582
district board publicly shall communicate to the residents of the 3583
district, in the manner it determines appropriate, its decision 3584
not to comply. 3585

(b) If a district board chooses not to comply with division 3586
(C)(1) of this section, the state board nevertheless shall require 3587
the district board to establish a breakfast program in every 3588
school where at least one-third of the pupils in the school are 3589
eligible under federal requirements for free breakfasts and to 3590
establish a lunch program in every school where at least one-third 3591
of the pupils are eligible for free lunches. The district board 3592
may make a charge in accordance with federal requirements for each 3593
reduced price breakfast or paid breakfast to cover the cost 3594
incurred in providing that meal. 3595

(c) If the board of education of a school district chooses 3596
not to comply with division (C)(3) of this section, the state 3597
board nevertheless shall require the district board to permit an 3598
approved summer food service program sponsor to use school 3599
facilities located in a school building attendance area where at 3600
least one-half of the pupils are eligible for free lunches. 3601

The department of education shall post in a prominent 3602

location on the department's web site a list of approved summer 3603
food service program sponsors that may use school facilities under 3604
this division. 3605

Subject to the provisions of sections 3313.75 and 3313.77 of 3606
the Revised Code, a school district may charge the summer food 3607
service program sponsor a reasonable fee for the use of school 3608
facilities that may include the actual cost of custodial services, 3609
charges for the use of school equipment, and a prorated share of 3610
the utility costs as determined by the district board. A school 3611
district shall require the summer food service program sponsor to 3612
indemnify and hold harmless the district from any potential 3613
liability resulting from the operation of the summer food service 3614
program under this division. For this purpose, the district shall 3615
either add the summer food service program sponsor, as an 3616
additional insured party, to the district's existing liability 3617
insurance policy or require the summer food service program 3618
sponsor to submit evidence of a separate liability insurance 3619
policy, for an amount approved by the district board. The summer 3620
food service program sponsor shall be responsible for any costs 3621
incurred in obtaining coverage under either option. 3622

(d) If a school district cannot for good cause comply with 3623
the requirements of division (C)(2) or (4)(b) or (c) of this 3624
section at the time the state board determines that a district is 3625
subject to these requirements, the state board shall grant a 3626
reasonable extension of time. Good cause for an extension of time 3627
shall include, but need not be limited to, economic impossibility 3628
of compliance with the requirements at the time the state board 3629
determines that a district is subject to them. 3630

(D)(1) The state board shall accept the application of any 3631
outdoor education center in the state making application for 3632

participation in a program pursuant to division (B) of this section. 3633
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(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center: 3635
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(a) Meets the definition of an outdoor education center; 3639

(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours; 3640
3641
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(c) Operates under public or nonprofit private ownership in a single building or complex of buildings. 3643
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(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program. 3645
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(E) Any school district board of education or chartered or accredited nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day. 3649
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(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered and accredited nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast. 3653
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Sec. 3313.86. The board of education of each city, exempted village, local, and joint vocational school district ~~and~~, the governing authority of each chartered nonpublic school, and the governing authority of each accredited nonpublic school described in section 3301.165 of the Revised Code periodically shall review its policies and procedures to ensure the safety of students, employees, and other persons using a school building from any known hazards in the building or on building grounds that, in the judgment of the board or governing authority, pose an immediate risk to health or safety. The board or governing authority shall further ensure that its policies and procedures comply with all federal laws and regulations regarding health and safety applicable to school buildings.

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

(1) The school either:

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

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

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

- (ii) Located within five miles of the border of the pilot project school district. 3689
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- (2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 3691
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- (3) The school ~~meets~~ either: 3696
- (a) Meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; or 3697
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- (b) Is an accredited nonpublic school described in section 3301.165 of the Revised Code. 3702
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- (4) The school does not discriminate on the basis of race, religion, or ethnic background; 3704
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- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 3706
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 3708
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 3711
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- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised 3714
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Code, the school agrees not to charge any tuition in excess of the 3717
 scholarship amount established pursuant to division (C)(1) of 3718
 section 3313.978 of the Revised Code, excluding any increase 3719
 described in division (C)(2) of that section. 3720

(9) For students in grades kindergarten through eight with 3721
 family incomes above two hundred per cent of the federal poverty 3722
 guidelines, whose scholarship amounts are less than the actual 3723
 tuition charge of the school, the school agrees not to charge any 3724
 tuition in excess of the difference between the actual tuition 3725
 charge of the school and the scholarship amount established 3726
 pursuant to division (C)(1) of section 3313.978 of the Revised 3727
 Code, excluding any increase described in division (C)(2) of that 3728
 section. The school shall permit such tuition, at the discretion 3729
 of the parent, to be satisfied by the family's provision of 3730
 in-kind contributions or services. 3731

(10) The school agrees not to charge any tuition to families 3732
 of students in grades nine through twelve receiving a scholarship 3733
 in excess of the actual tuition charge of the school less the 3734
 scholarship amount established pursuant to division (C)(1) of 3735
 section 3313.978 of the Revised Code, excluding any increase 3736
 described in division (C)(2) of that section. 3737

(11) Except as provided in divisions (K)(1) and (L) of 3738
 section 3301.0711 of the Revised Code, it annually administers the 3739
 applicable assessments prescribed by section 3301.0710, 3301.0712, 3740
 or 3313.619 of the Revised Code to each scholarship student 3741
 enrolled in the school in accordance with section 3301.0711 or 3742
 3301.0712 of the Revised Code and reports to the department of 3743
 education the results of each such assessment administered to each 3744
 scholarship student. 3745

(B) The state superintendent shall revoke the registration of 3746

any school if, after a hearing, the superintendent determines that 3747
 the school is in violation of any of the provisions of division 3748
 (A) of this section. 3749

(C) Any public school located in a school district adjacent 3750
 to the pilot project district may receive scholarship payments on 3751
 behalf of parents pursuant to section 3313.979 of the Revised Code 3752
 if the superintendent of the district in which such public school 3753
 is located notifies the state superintendent prior to the first 3754
 day of March that the district intends to admit students from the 3755
 pilot project district for the ensuing school year pursuant to 3756
 section 3327.06 of the Revised Code. 3757

(D) Any parent wishing to purchase tutorial assistance from 3758
 any person or governmental entity pursuant to the pilot project 3759
 program under sections 3313.974 to 3313.979 of the Revised Code 3760
 shall apply to the state superintendent. The state superintendent 3761
 shall approve providers who appear to possess the capability of 3762
 furnishing the instructional services they are offering to 3763
 provide. 3764

Sec. 3317.024. The following shall be distributed monthly, 3765
 quarterly, or annually as may be determined by the state board of 3766
 education: 3767

(A) An amount for each island school district and each joint 3768
 state school district for the operation of each high school and 3769
 each elementary school maintained within such district and for 3770
 capital improvements for such schools. Such amounts shall be 3771
 determined on the basis of standards adopted by the state board of 3772
 education. However, for fiscal years 2012 and 2013, an island 3773
 district shall receive the lesser of its actual cost of operation, 3774
 as certified to the department of education, or ninety-three per 3775

cent of the amount the district received in state operating 3776
 funding for fiscal year 2011. If an island district received no 3777
 funding for fiscal year 2011, it shall receive no funding for 3778
 either of fiscal year 2012 or 2013. 3779

(B) An amount for each school district required to pay 3780
 tuition for a child in an institution maintained by the department 3781
 of youth services pursuant to section 3317.082 of the Revised 3782
 Code, provided the child was not included in the calculation of 3783
 the district's formula ADM, as that term is defined in section 3784
 3317.02 of the Revised Code, for the preceding school year. 3785

(C) An amount for the approved cost of transporting eligible 3786
 pupils with disabilities attending a special education program 3787
 approved by the department of education whom it is impossible or 3788
 impractical to transport by regular school bus in the course of 3789
 regular route transportation provided by the school district or 3790
 educational service center. No district or service center is 3791
 eligible to receive a payment under this division for the cost of 3792
 transporting any pupil whom it transports by regular school bus 3793
 and who is included in the district's transportation ADM. The 3794
 state board of education shall establish standards and guidelines 3795
 for use by the department of education in determining the approved 3796
 cost of such transportation for each district or service center. 3797

(D) An amount to each school district, including each 3798
 cooperative education school district, pursuant to section 3313.81 3799
 of the Revised Code to assist in providing free lunches to needy 3800
 children. The amounts shall be determined on the basis of rules 3801
 adopted by the state board of education. 3802

(E)(1) An amount for auxiliary services to each school 3803
 district, for each pupil attending a chartered or an accredited 3804
 nonpublic elementary or high school within the district that is 3805

either of the following: 3806

(a) A school affiliated with a religious order, sect, church, 3807
or denomination or has a curriculum or mission that contains 3808
religious content, religious courses, devotional exercises, 3809
religious training, or any other religious activity; 3810

(b) A school not described in division (E)(1)(a) of this 3811
section that has not elected to receive funds under division 3812
(E)(2) of this section. 3813

(2) An amount for auxiliary services paid directly to each 3814
chartered or an accredited nonpublic school that has elected to 3815
receive funds under division (E)(2) of this section for each pupil 3816
attending the school. To elect to receive funds under division 3817
(E)(2) of this section, a school, by the first day of April of 3818
each odd-numbered year, shall notify the department and the school 3819
district in which the school is located of the election and shall 3820
submit to the department an affidavit certifying that the school 3821
is not affiliated with a religious order, sect, church, or 3822
denomination and does not have a curriculum or mission that 3823
contains religious content, religious courses, devotional 3824
exercises, religious training, or any other religious activity. 3825
The election shall take effect the following first day of July, 3826
unless the department determines that the school meets the 3827
criteria in division (E)(1)(a) of this section. The school 3828
subsequently may rescind its election, but it may do so only in an 3829
odd-numbered year by notifying the department and the school 3830
district in which the school is located of the rescission not 3831
later than the first day of April of that year. Beginning the 3832
following first day of July after the rescission, the school shall 3833
receive funds under division (E)(1) of this section. 3834

The amount paid under divisions (E)(1) and (2) of this 3835

section shall equal the total amount appropriated for the 3836
 implementation of sections 3317.06 and 3317.062 of the Revised 3837
 Code divided by the average daily membership in grades 3838
 kindergarten through twelve in chartered or accredited nonpublic 3839
 elementary and high schools within the state as determined as of 3840
 the last day of October of each school year. 3841

For purposes of this section, "accredited nonpublic school" 3842
means an accredited nonpublic school as described in section 3843
3301.165 of the Revised Code. 3844

(F) An amount for each county board of developmental 3845
 disabilities, distributed on the basis of standards adopted by the 3846
 state board of education, for the approved cost of transportation 3847
 required for children attending special education programs 3848
 operated by the county board under section 3323.09 of the Revised 3849
 Code; 3850

(G) An amount to each institution defined under section 3851
 3317.082 of the Revised Code providing elementary or secondary 3852
 education to children other than children receiving special 3853
 education under section 3323.091 of the Revised Code. This amount 3854
 for any institution in any fiscal year shall equal the total of 3855
 all tuition amounts required to be paid to the institution under 3856
 division (A)(1) of section 3317.082 of the Revised Code. 3857

The state board of education or any other board of education 3858
 or governing board may provide for any resident of a district or 3859
 educational service center territory any educational service for 3860
 which funds are made available to the board by the United States 3861
 under the authority of public law, whether such funds come 3862
 directly or indirectly from the United States or any agency or 3863
 department thereof or through the state or any agency, department, 3864
 or political subdivision thereof. 3865

Sec. 3317.03. (A) The superintendent of each city, local, and 3866
 exempted village school district shall report to the state board 3867
 of education as of the last day of October, March, and June of 3868
 each year the enrollment of students receiving services from 3869
 schools under the superintendent's supervision, and the numbers of 3870
 other students entitled to attend school in the district under 3871
 section 3313.64 or 3313.65 of the Revised Code the superintendent 3872
 is required to report under this section, so that the department 3873
 of education can calculate the district's formula ADM, total ADM, 3874
 category one through five career-technical education ADM, category 3875
 one through three limited English proficient ADM, category one 3876
 through six special education ADM, preschool scholarship ADM, 3877
 transportation ADM, and, for purposes of provisions of law outside 3878
 of Chapter 3317. of the Revised Code, average daily membership. 3879

(1) The enrollment reported by the superintendent during the 3880
 reporting period shall consist of the number of students in grades 3881
 kindergarten through twelve receiving any educational services 3882
 from the district, except that the following categories of 3883
 students shall not be included in the determination: 3884

(a) Students enrolled in adult education classes; 3885

(b) Adjacent or other district students enrolled in the 3886
 district under an open enrollment policy pursuant to section 3887
 3313.98 of the Revised Code; 3888

(c) Students receiving services in the district pursuant to a 3889
 compact, cooperative education agreement, or a contract, but who 3890
 are entitled to attend school in another district pursuant to 3891
 section 3313.64 or 3313.65 of the Revised Code; 3892

(d) Students for whom tuition is payable pursuant to sections 3893
 3317.081 and 3323.141 of the Revised Code; 3894

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

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

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

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

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

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the

Revised Code;	3924
(e) An educational service center or cooperative education district;	3925 3926
(f) Another school district under a cooperative education agreement, compact, or contract;	3927 3928
(g) A chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code + .	3929 3930 3931 3932
<u>As used in this division and in division (B)(3)(f) of this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	3933 3934 3935 3936
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	3937 3938 3939
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	3940 3941 3942
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	3943 3944 3945 3946
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	3947 3948 3949 3950
(3) The department also shall compile a list of the students	3951

entitled to attend school in the district under section 3313.64 or 3952
 3313.65 of the Revised Code who are enrolled in a joint vocational 3953
 school district or under a career-technical education compact, 3954
 excluding any students so entitled to attend school in the 3955
 district who are enrolled in another school district through an 3956
 open enrollment policy as reported under division (A)(2)(d) of 3957
 this section and then enroll in a joint vocational school district 3958
 or under a career-technical education compact. 3959

The department shall provide each city, local, and exempted 3960
 village school district with an opportunity to review the list of 3961
 students compiled under divisions (A)(2) and (3) of this section 3962
 to ensure that the students reported accurately reflect the 3963
 enrollment of students in the district. 3964

(B) To enable the department of education to obtain the data 3965
 needed to complete the calculation of payments pursuant to this 3966
 chapter, each superintendent shall certify from the reports 3967
 provided by the department under division (A) of this section all 3968
 of the following: 3969

(1) The total student enrollment in regular learning day 3970
 classes included in the report under division (A)(1) or (2) of 3971
 this section for each of the individual grades kindergarten 3972
 through twelve in schools under the superintendent's supervision; 3973

(2) The unduplicated count of the number of preschool 3974
 children with disabilities enrolled in the district for whom the 3975
 district is eligible to receive funding under section 3317.0213 of 3976
 the Revised Code adjusted for the portion of the year each child 3977
 is so enrolled, in accordance with the disability categories 3978
 prescribed in section 3317.013 of the Revised Code; 3979

(3) The number of children entitled to attend school in the 3980
 district pursuant to section 3313.64 or 3313.65 of the Revised 3981

Code who are:	3982
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	3983 3984 3985
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	3986 3987 3988 3989 3990 3991 3992
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	3993 3994
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	3995 3996 3997 3998 3999 4000
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	4001 4002 4003 4004
(f) Enrolled in a chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	4005 4006 4007 4008
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with	4009 4010

a scholarship awarded under section 3310.41 of the Revised Code;	4011
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	4012 4013 4014
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	4015 4016
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	4017 4018 4019 4020
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	4021 4022 4023 4024
(1) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	4025 4026 4027
(4) The total enrollment of pupils in joint vocational schools;	4028 4029
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	4030 4031 4032 4033 4034 4035 4036 4037
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving	4038 4039

special education services for category two disabilities described 4040
 in division (B) of section 3317.013 of the Revised Code, including 4041
 children attending a special education program operated by an 4042
 alternative public provider or a registered private provider with 4043
 a scholarship awarded under sections 3310.51 to 3310.64 of the 4044
 Revised Code; 4045

(7) The combined enrollment of children with disabilities 4046
 reported under division (A)(1) or (2) of this section receiving 4047
 special education services for category three disabilities 4048
 described in division (C) of section 3317.013 of the Revised Code, 4049
 including children attending a special education program operated 4050
 by an alternative public provider or a registered private provider 4051
 with a scholarship awarded under sections 3310.51 to 3310.64 of 4052
 the Revised Code; 4053

(8) The combined enrollment of children with disabilities 4054
 reported under division (A)(1) or (2) of this section receiving 4055
 special education services for category four disabilities 4056
 described in division (D) of section 3317.013 of the Revised Code, 4057
 including children attending a special education program operated 4058
 by an alternative public provider or a registered private provider 4059
 with a scholarship awarded under sections 3310.51 to 3310.64 of 4060
 the Revised Code; 4061

(9) The combined enrollment of children with disabilities 4062
 reported under division (A)(1) or (2) of this section receiving 4063
 special education services for the category five disabilities 4064
 described in division (E) of section 3317.013 of the Revised Code, 4065
 including children attending a special education program operated 4066
 by an alternative public provider or a registered private provider 4067
 with a scholarship awarded under sections 3310.51 to 3310.64 of 4068
 the Revised Code; 4069

(10) The combined enrollment of children with disabilities 4070
 reported under division (A)(1) or (2) and under division (B)(3)(h) 4071
 of this section receiving special education services for category 4072
 six disabilities described in division (F) of section 3317.013 of 4073
 the Revised Code, including children attending a special education 4074
 program operated by an alternative public provider or a registered 4075
 private provider with a scholarship awarded under either section 4076
 3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 4077

(11) The enrollment of pupils reported under division (A)(1) 4078
 or (2) of this section on a full-time equivalency basis in 4079
 category one career-technical education programs or classes, 4080
 described in division (A) of section 3317.014 of the Revised Code, 4081
 operated by the school district or by another district that is a 4082
 member of the district's career-technical planning district, other 4083
 than a joint vocational school district, or by an educational 4084
 service center, notwithstanding division (G) of section 3317.02 of 4085
 the Revised Code and division (C)(3) of this section; 4086

(12) The enrollment of pupils reported under division (A)(1) 4087
 or (2) of this section on a full-time equivalency basis in 4088
 category two career-technical education programs or services, 4089
 described in division (B) of section 3317.014 of the Revised Code, 4090
 operated by the school district or another school district that is 4091
 a member of the district's career-technical planning district, 4092
 other than a joint vocational school district, or by an 4093
 educational service center, notwithstanding division (G) of 4094
 section 3317.02 of the Revised Code and division (C)(3) of this 4095
 section; 4096

(13) The enrollment of pupils reported under division (A)(1) 4097
 or (2) of this section on a full-time equivalency basis in 4098
 category three career-technical education programs or services, 4099

described in division (C) of section 3317.014 of the Revised Code, 4100
operated by the school district or another school district that is 4101
a member of the district's career-technical planning district, 4102
other than a joint vocational school district, or by an 4103
educational service center, notwithstanding division (G) of 4104
section 3317.02 of the Revised Code and division (C)(3) of this 4105
section; 4106

(14) The enrollment of pupils reported under division (A)(1) 4107
or (2) of this section on a full-time equivalency basis in 4108
category four career-technical education programs or services, 4109
described in division (D) of section 3317.014 of the Revised Code, 4110
operated by the school district or another school district that is 4111
a member of the district's career-technical planning district, 4112
other than a joint vocational school district, or by an 4113
educational service center, notwithstanding division (G) of 4114
section 3317.02 of the Revised Code and division (C)(3) of this 4115
section; 4116

(15) The enrollment of pupils reported under division (A)(1) 4117
or (2) of this section on a full-time equivalency basis in 4118
category five career-technical education programs or services, 4119
described in division (E) of section 3317.014 of the Revised Code, 4120
operated by the school district or another school district that is 4121
a member of the district's career-technical planning district, 4122
other than a joint vocational school district, or by an 4123
educational service center, notwithstanding division (G) of 4124
section 3317.02 of the Revised Code and division (C)(3) of this 4125
section; 4126

(16) The enrollment of pupils reported under division (A)(1) 4127
or (2) of this section who are limited English proficient students 4128
described in division (A) of section 3317.016 of the Revised Code, 4129

excluding any student reported under division (B)(3)(e) of this	4130
section as enrolled in an internet- or computer-based community	4131
school;	4132
(17) The enrollment of pupils reported under division (A)(1)	4133
or (2) of this section who are limited English proficient students	4134
described in division (B) of section 3317.016 of the Revised Code,	4135
excluding any student reported under division (B)(3)(e) of this	4136
section as enrolled in an internet- or computer-based community	4137
school;	4138
(18) The enrollment of pupils reported under division (A)(1)	4139
or (2) of this section who are limited English proficient students	4140
described in division (C) of section 3317.016 of the Revised Code,	4141
excluding any student reported under division (B)(3)(e) of this	4142
section as enrolled in an internet- or computer-based community	4143
school;	4144
(19) The average number of children transported during the	4145
reporting period by the school district on board-owned or	4146
contractor-owned and -operated buses, reported in accordance with	4147
rules adopted by the department of education;	4148
(20)(a) The number of children, other than preschool children	4149
with disabilities, the district placed with a county board of	4150
developmental disabilities in fiscal year 1998. Division	4151
(B)(20)(a) of this section does not apply after fiscal year 2013.	4152
(b) The number of children with disabilities, other than	4153
preschool children with disabilities, placed with a county board	4154
of developmental disabilities in the current fiscal year to	4155
receive special education services for the category one disability	4156
described in division (A) of section 3317.013 of the Revised Code;	4157
(c) The number of children with disabilities, other than	4158

preschool children with disabilities, placed with a county board 4159
of developmental disabilities in the current fiscal year to 4160
receive special education services for category two disabilities 4161
described in division (B) of section 3317.013 of the Revised Code; 4162

(d) The number of children with disabilities, other than 4163
preschool children with disabilities, placed with a county board 4164
of developmental disabilities in the current fiscal year to 4165
receive special education services for category three disabilities 4166
described in division (C) of section 3317.013 of the Revised Code; 4167

(e) The number of children with disabilities, other than 4168
preschool children with disabilities, placed with a county board 4169
of developmental disabilities in the current fiscal year to 4170
receive special education services for category four disabilities 4171
described in division (D) of section 3317.013 of the Revised Code; 4172

(f) The number of children with disabilities, other than 4173
preschool children with disabilities, placed with a county board 4174
of developmental disabilities in the current fiscal year to 4175
receive special education services for the category five 4176
disabilities described in division (E) of section 3317.013 of the 4177
Revised Code; 4178

(g) The number of children with disabilities, other than 4179
preschool children with disabilities, placed with a county board 4180
of developmental disabilities in the current fiscal year to 4181
receive special education services for category six disabilities 4182
described in division (F) of section 3317.013 of the Revised Code. 4183

(21) The enrollment of students who are economically 4184
disadvantaged, as defined by the department, excluding any student 4185
reported under division (B)(3)(e) of this section as enrolled in 4186
an internet- or computer-based community school. A student shall 4187
not be categorically excluded from the number reported under 4188

division (B)(21) of this section based on anything other than 4189
family income. 4190

(C)(1) The state board of education shall adopt rules 4191
necessary for implementing divisions (A), (B), and (D) of this 4192
section. 4193

(2) A student enrolled in a community school established 4194
under Chapter 3314., a science, technology, engineering, and 4195
mathematics school established under Chapter 3326., or a 4196
college-preparatory boarding school established under Chapter 4197
3328. of the Revised Code shall be counted in the formula ADM and, 4198
if applicable, the category one, two, three, four, five, or six 4199
special education ADM of the school district in which the student 4200
is entitled to attend school under section 3313.64 or 3313.65 of 4201
the Revised Code for the same proportion of the school year that 4202
the student is counted in the enrollment of the community school, 4203
the science, technology, engineering, and mathematics school, or 4204
the college-preparatory boarding school for purposes of section 4205
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 4206
the enrollment of students certified pursuant to division 4207
(B)(3)(d), (e), (j), or (k) of this section, the department may 4208
adjust the formula ADM of a school district to account for 4209
students entitled to attend school in the district under section 4210
3313.64 or 3313.65 of the Revised Code who are enrolled in a 4211
community school, a science, technology, engineering, and 4212
mathematics school, or a college-preparatory boarding school for 4213
only a portion of the school year. 4214

(3) No child shall be counted as more than a total of one 4215
child in the sum of the enrollment of students of a school 4216
district under division (A), divisions (B)(1) to (22), or division 4217
(D) of this section, except as follows: 4218

(a) A child with a disability described in section 3317.013 4219
of the Revised Code may be counted both in formula ADM and in 4220
category one, two, three, four, five, or six special education ADM 4221
and, if applicable, in category one, two, three, four, or five 4222
career-technical education ADM. As provided in division (G) of 4223
section 3317.02 of the Revised Code, such a child shall be counted 4224
in category one, two, three, four, five, or six special education 4225
ADM in the same proportion that the child is counted in formula 4226
ADM. 4227

(b) A child enrolled in career-technical education programs 4228
or classes described in section 3317.014 of the Revised Code may 4229
be counted both in formula ADM and category one, two, three, four, 4230
or five career-technical education ADM and, if applicable, in 4231
category one, two, three, four, five, or six special education 4232
ADM. Such a child shall be counted in category one, two, three, 4233
four, or five career-technical education ADM in the same 4234
proportion as the percentage of time that the child spends in the 4235
career-technical education programs or classes. 4236

(4) Based on the information reported under this section, the 4237
department of education shall determine the total student count, 4238
as defined in section 3301.011 of the Revised Code, for each 4239
school district. 4240

(D)(1) The superintendent of each joint vocational school 4241
district shall report and certify to the superintendent of public 4242
instruction as of the last day of October, March, and June of each 4243
year the enrollment of students receiving services from schools 4244
under the superintendent's supervision so that the department can 4245
calculate the district's formula ADM, total ADM, category one 4246
through five career-technical education ADM, category one through 4247
three limited English proficient ADM, category one through six 4248

special education ADM, and for purposes of provisions of law 4249
 outside of Chapter 3317. of the Revised Code, average daily 4250
 membership. 4251

The enrollment reported and certified by the superintendent, 4252
 except as otherwise provided in this division, shall consist of 4253
 the ~~the~~ number of students in grades six through twelve receiving 4254
 any educational services from the district, except that the 4255
 following categories of students shall not be included in the 4256
 determination: 4257

(a) Students enrolled in adult education classes; 4258

(b) Adjacent or other district joint vocational students 4259
 enrolled in the district under an open enrollment policy pursuant 4260
 to section 3313.98 of the Revised Code; 4261

(c) Students receiving services in the district pursuant to a 4262
 compact, cooperative education agreement, or a contract, but who 4263
 are entitled to attend school in a city, local, or exempted 4264
 village school district whose territory is not part of the 4265
 territory of the joint vocational district; 4266

(d) Students for whom tuition is payable pursuant to sections 4267
 3317.081 and 3323.141 of the Revised Code. 4268

(2) To enable the department of education to obtain the data 4269
 needed to complete the calculation of payments pursuant to this 4270
 chapter, each superintendent shall certify from the report 4271
 provided under division (D)(1) of this section the enrollment for 4272
 each of the following categories of students: 4273

(a) Students enrolled in each individual grade included in 4274
 the joint vocational district schools; 4275

(b) Children with disabilities receiving special education 4276
 services for the category one disability described in division (A) 4277

of section 3317.013 of the Revised Code;	4278
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	4279 4280 4281
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	4282 4283 4284
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	4285 4286 4287
(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;	4288 4289 4290
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	4291 4292 4293
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	4294 4295 4296
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	4297 4298 4299
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	4300 4301 4302
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	4303 4304 4305

(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	4306 4307 4308
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	4309 4310
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	4311 4312
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	4313 4314
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.	4315 4316 4317 4318
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	4319 4320 4321 4322 4323
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any	4324 4325 4326 4327 4328 4329 4330 4331 4332 4333 4334

cause a pupil permanently withdraws from the school that pupil 4335
 shall not be counted as enrolled from and after the date of such 4336
 withdrawal. There shall not be included in the enrollment of any 4337
 school any of the following: 4338

(1) Any pupil who has graduated from the twelfth grade of a 4339
 public or nonpublic high school; 4340

(2) Any pupil who is not a resident of the state; 4341

(3) Any pupil who was enrolled in the schools of the district 4342
 during the previous school year when assessments were administered 4343
 under section 3301.0711 of the Revised Code but did not take one 4344
 or more of the assessments required by that section and was not 4345
 excused pursuant to division (C)(1) or (3) of that section; 4346

(4) Any pupil who has attained the age of twenty-two years, 4347
 except for veterans of the armed services whose attendance was 4348
 interrupted before completing the recognized twelve-year course of 4349
 the public schools by reason of induction or enlistment in the 4350
 armed forces and who apply for reenrollment in the public school 4351
 system of their residence not later than four years after 4352
 termination of war or their honorable discharge; 4353

(5) Any pupil who has a certificate of high school 4354
 equivalence as defined in section 5107.40 of the Revised Code. 4355

If, however, any veteran described by division (E)(4) of this 4356
 section elects to enroll in special courses organized for veterans 4357
 for whom tuition is paid under the provisions of federal laws, or 4358
 otherwise, that veteran shall not be included in the enrollment of 4359
 students determined under this section. 4360

Notwithstanding division (E)(3) of this section, the 4361
 enrollment of any school may include a pupil who did not take an 4362
 assessment required by section 3301.0711 of the Revised Code if 4363

the superintendent of public instruction grants a waiver from the 4364
 requirement to take the assessment to the specific pupil and a 4365
 parent is not paying tuition for the pupil pursuant to section 4366
 3313.6410 of the Revised Code. The superintendent may grant such a 4367
 waiver only for good cause in accordance with rules adopted by the 4368
 state board of education. 4369

The formula ADM, total ADM, category one through five 4370
 career-technical education ADM, category one through three limited 4371
 English proficient ADM, category one through six special education 4372
 ADM, preschool scholarship ADM, transportation ADM, and, for 4373
 purposes of provisions of law outside of Chapter 3317. of the 4374
 Revised Code, average daily membership of any school district 4375
 shall be determined in accordance with rules adopted by the state 4376
 board of education. 4377

(F)(1) If a student attending a community school under 4378
 Chapter 3314., a science, technology, engineering, and mathematics 4379
 school established under Chapter 3326., or a college-preparatory 4380
 boarding school established under Chapter 3328. of the Revised 4381
 Code is not included in the formula ADM calculated for the school 4382
 district in which the student is entitled to attend school under 4383
 section 3313.64 or 3313.65 of the Revised Code, the department of 4384
 education shall adjust the formula ADM of that school district to 4385
 include the student in accordance with division (C)(2) of this 4386
 section, and shall recalculate the school district's payments 4387
 under this chapter for the entire fiscal year on the basis of that 4388
 adjusted formula ADM. 4389

(2) If a student awarded an educational choice scholarship is 4390
 not included in the formula ADM of the school district from which 4391
 the department deducts funds for the scholarship under section 4392
 3310.08 of the Revised Code, the department shall adjust the 4393

formula ADM of that school district to include the student to the 4394
 extent necessary to account for the deduction, and shall 4395
 recalculate the school district's payments under this chapter for 4396
 the entire fiscal year on the basis of that adjusted formula ADM. 4397

(3) If a student awarded a scholarship under the Jon Peterson 4398
 special needs scholarship program is not included in the formula 4399
 ADM of the school district from which the department deducts funds 4400
 for the scholarship under section 3310.55 of the Revised Code, the 4401
 department shall adjust the formula ADM of that school district to 4402
 include the student to the extent necessary to account for the 4403
 deduction, and shall recalculate the school district's payments 4404
 under this chapter for the entire fiscal year on the basis of that 4405
 adjusted formula ADM. 4406

(G)(1)(a) The superintendent of an institution operating a 4407
 special education program pursuant to section 3323.091 of the 4408
 Revised Code shall, for the programs under such superintendent's 4409
 supervision, certify to the state board of education, in the 4410
 manner prescribed by the superintendent of public instruction, 4411
 both of the following: 4412

(i) The unduplicated count of the number of all children with 4413
 disabilities other than preschool children with disabilities 4414
 receiving services at the institution for each category of 4415
 disability described in divisions (A) to (F) of section 3317.013 4416
 of the Revised Code adjusted for the portion of the year each 4417
 child is so enrolled; 4418

(ii) The unduplicated count of the number of all preschool 4419
 children with disabilities in classes or programs for whom the 4420
 district is eligible to receive funding under section 3317.0213 of 4421
 the Revised Code adjusted for the portion of the year each child 4422
 is so enrolled, reported according to the categories prescribed in 4423

section 3317.013 of the Revised Code. 4424

(b) The superintendent of an institution with 4425
 career-technical education units approved under section 3317.05 of 4426
 the Revised Code shall, for the units under the superintendent's 4427
 supervision, certify to the state board of education the 4428
 enrollment in those units, in the manner prescribed by the 4429
 superintendent of public instruction. 4430

(2) The superintendent of each county board of developmental 4431
 disabilities that maintains special education classes under 4432
 section 3317.20 of the Revised Code or provides services to 4433
 preschool children with disabilities pursuant to an agreement 4434
 between the county board and the appropriate school district shall 4435
 do both of the following: 4436

(a) Certify to the state board, in the manner prescribed by 4437
 the board, the enrollment in classes under section 3317.20 of the 4438
 Revised Code for each school district that has placed children in 4439
 the classes; 4440

(b) Certify to the state board, in the manner prescribed by 4441
 the board, the unduplicated count of the number of all preschool 4442
 children with disabilities enrolled in classes for which the ~~DD~~ 4443
 board is eligible to receive funding under section 3317.0213 of 4444
 the Revised Code adjusted for the portion of the year each child 4445
 is so enrolled, reported according to the categories prescribed in 4446
 section 3317.013 of the Revised Code, and the number of those 4447
 classes. 4448

(H) Except as provided in division (I) of this section, when 4449
 any city, local, or exempted village school district provides 4450
 instruction for a nonresident pupil whose attendance is 4451
 unauthorized attendance as defined in section 3327.06 of the 4452
 Revised Code, that pupil's enrollment shall not be included in 4453

that district's enrollment figure used in calculating the 4454
 district's payments under this chapter. The reporting official 4455
 shall report separately the enrollment of all pupils whose 4456
 attendance in the district is unauthorized attendance, and the 4457
 enrollment of each such pupil shall be credited to the school 4458
 district in which the pupil is entitled to attend school under 4459
 division (B) of section 3313.64 or section 3313.65 of the Revised 4460
 Code as determined by the department of education. 4461

(I)(1) A city, local, exempted village, or joint vocational 4462
 school district admitting a scholarship student of a pilot project 4463
 district pursuant to division (C) of section 3313.976 of the 4464
 Revised Code may count such student in its enrollment. 4465

(2) In any year for which funds are appropriated for pilot 4466
 project scholarship programs, a school district implementing a 4467
 state-sponsored pilot project scholarship program that year 4468
 pursuant to sections 3313.974 to 3313.979 of the Revised Code may 4469
 count in its enrollment: 4470

(a) All children residing in the district and utilizing a 4471
 scholarship to attend kindergarten in any alternative school, as 4472
 defined in section 3313.974 of the Revised Code; 4473

(b) All children who were enrolled in the district in the 4474
 preceding year who are utilizing a scholarship to attend an 4475
 alternative school. 4476

(J) The superintendent of each cooperative education school 4477
 district shall certify to the superintendent of public 4478
 instruction, in a manner prescribed by the state board of 4479
 education, the applicable enrollments for all students in the 4480
 cooperative education district, also indicating the city, local, 4481
 or exempted village district where each pupil is entitled to 4482
 attend school under section 3313.64 or 3313.65 of the Revised 4483

Code. 4484

(K) If the superintendent of public instruction determines 4485
that a component of the enrollment certified or reported by a 4486
district superintendent, or other reporting entity, is not 4487
correct, the superintendent of public instruction may order that 4488
the formula ADM used for the purposes of payments under any 4489
section of Title XXXVIII of the Revised Code be adjusted in the 4490
amount of the error. 4491

Sec. 3317.06. Moneys paid to school districts under division 4492
(E)(1) of section 3317.024 of the Revised Code shall be used for 4493
the following independent and fully severable purposes on behalf 4494
of students enrolled in chartered and accredited nonpublic 4495
schools: 4496

(A) To purchase such secular textbooks or digital texts as 4497
have been approved by the superintendent of public instruction for 4498
use in public schools in the state and to loan such textbooks or 4499
digital texts to pupils attending nonpublic schools within the 4500
district described in division (E)(1) of section 3317.024 of the 4501
Revised Code or to their parents and to hire clerical personnel to 4502
administer such lending program. Such loans shall be based upon 4503
individual requests submitted by such nonpublic school pupils or 4504
parents. Such requests shall be submitted to the school district 4505
in which the nonpublic school is located. Such individual requests 4506
for the loan of textbooks or digital texts shall, for 4507
administrative convenience, be submitted by the nonpublic school 4508
pupil or the pupil's parent to the nonpublic school, which shall 4509
prepare and submit collective summaries of the individual requests 4510
to the school district. As used in this section: 4511

(1) "Textbook" means any book or book substitute that a pupil 4512

uses as a consumable or nonconsumable text, text substitute, or 4513
text supplement in a particular class or program in the school the 4514
pupil regularly attends. 4515

(2) "Digital text" means a consumable book or book substitute 4516
that a student accesses through the use of a computer or other 4517
electronic medium or that is available through an internet-based 4518
provider of course content, or any other material that contributes 4519
to the learning process through electronic means. 4520

(B) To provide speech and hearing diagnostic services to 4521
pupils attending nonpublic schools within the district described 4522
in division (E)(1) of section 3317.024 of the Revised Code. Such 4523
service shall be provided in the nonpublic school attended by the 4524
pupil receiving the service. 4525

(C) To provide physician, nursing, dental, and optometric 4526
services to pupils attending nonpublic schools within the district 4527
described in division (E)(1) of section 3317.024 of the Revised 4528
Code. Such services shall be provided in the school attended by 4529
the nonpublic school pupil receiving the service. 4530

(D) To provide diagnostic psychological services to pupils 4531
attending nonpublic schools within the district described in 4532
division (E)(1) of section 3317.024 of the Revised Code. Such 4533
services shall be provided in the school attended by the pupil 4534
receiving the service. 4535

(E) To provide therapeutic psychological and speech and 4536
hearing services to pupils attending nonpublic schools within the 4537
district described in division (E)(1) of section 3317.024 of the 4538
Revised Code. Such services shall be provided in the public 4539
school, in nonpublic schools, in public centers, or in mobile 4540
units located on or off of the nonpublic premises. If such 4541
services are provided in the public school or in public centers, 4542

transportation to and from such facilities shall be provided by 4543
the school district in which the nonpublic school is located. 4544

(F) To provide guidance, counseling, and social work services 4545
to pupils attending nonpublic schools within the district 4546
described in division (E)(1) of section 3317.024 of the Revised 4547
Code. Such services shall be provided in the public school, in 4548
nonpublic schools, in public centers, or in mobile units located 4549
on or off of the nonpublic premises. If such services are provided 4550
in the public school or in public centers, transportation to and 4551
from such facilities shall be provided by the school district in 4552
which the nonpublic school is located. 4553

(G) To provide remedial services to pupils attending 4554
nonpublic schools within the district described in division (E)(1) 4555
of section 3317.024 of the Revised Code. Such services shall be 4556
provided in the public school, in nonpublic schools, in public 4557
centers, or in mobile units located on or off of the nonpublic 4558
premises. If such services are provided in the public school or in 4559
public centers, transportation to and from such facilities shall 4560
be provided by the school district in which the nonpublic school 4561
is located. 4562

(H) To supply for use by pupils attending nonpublic schools 4563
within the district described in division (E)(1) of section 4564
3317.024 of the Revised Code such standardized tests and scoring 4565
services as are in use in the public schools of the state; 4566

(I) To provide programs for children who attend nonpublic 4567
schools within the district described in division (E)(1) of 4568
section 3317.024 of the Revised Code and are children with 4569
disabilities as defined in section 3323.01 of the Revised Code or 4570
gifted children. Such programs shall be provided in the public 4571
school, in nonpublic schools, in public centers, or in mobile 4572

units located on or off of the nonpublic premises. If such 4573
programs are provided in the public school or in public centers, 4574
transportation to and from such facilities shall be provided by 4575
the school district in which the nonpublic school is located. 4576

(J) To hire clerical personnel to assist in the 4577
administration of programs pursuant to divisions (B), (C), (D), 4578
(E), (F), (G), and (I) of this section and to hire supervisory 4579
personnel to supervise the providing of services and textbooks 4580
pursuant to this section. 4581

(K) To purchase or lease any secular, neutral, and 4582
nonideological computer application software designed to assist 4583
students in performing a single task or multiple related tasks, 4584
device management software, learning management software, 4585
site-licensing, digital video on demand (DVD), wide area 4586
connectivity and related technology as it relates to internet 4587
access, mathematics or science equipment and materials, 4588
instructional materials, and school library materials that are in 4589
general use in the public schools of the state and loan such items 4590
to pupils attending nonpublic schools within the district 4591
described in division (E)(1) of section 3317.024 of the Revised 4592
Code or to their parents, and to hire clerical personnel to 4593
administer the lending program. Only such items that are incapable 4594
of diversion to religious use and that are susceptible of loan to 4595
individual pupils and are furnished for the use of individual 4596
pupils shall be purchased and loaned under this division. As used 4597
in this section, "instructional materials" means prepared learning 4598
materials that are secular, neutral, and nonideological in 4599
character and are of benefit to the instruction of school 4600
children. "Instructional materials" includes media content that a 4601
student may access through the use of a computer or electronic 4602
device. 4603

Mobile applications that are secular, neutral, and 4604
 nonideological in character and that are purchased for less than 4605
 twenty dollars for instructional use shall be considered to be 4606
 consumable and shall be distributed to students without the 4607
 expectation that the applications must be returned. 4608

(L) To purchase or lease instructional equipment, including 4609
 computer hardware and related equipment in general use in the 4610
 public schools of the state, for use by pupils attending nonpublic 4611
 schools within the district described in division (E)(1) of 4612
 section 3317.024 of the Revised Code and to loan such items to 4613
 pupils attending such nonpublic schools within the district or to 4614
 their parents, and to hire clerical personnel to administer the 4615
 lending program. "Computer hardware and related equipment" 4616
 includes desktop computers and workstations; laptop computers, 4617
 computer tablets, and other mobile handheld devices; their 4618
 operating systems and accessories; and any equipment designed to 4619
 make accessible the environment of a classroom to a student, who 4620
 is physically unable to attend classroom activities due to 4621
 hospitalization or other circumstances, by allowing real-time 4622
 interaction with other students both one-on-one and in group 4623
 discussion. 4624

(M) To purchase mobile units to be used for the provision of 4625
 services pursuant to divisions (E), (F), (G), and (I) of this 4626
 section and to pay for necessary repairs and operating costs 4627
 associated with these units. 4628

(N) To reimburse costs the district incurred to store the 4629
 records of a chartered or accredited nonpublic school that closes. 4630
 Reimbursements under this division shall be made one time only for 4631
 each chartered or accredited nonpublic school described in 4632
 division (E)(1) of section 3317.024 of the Revised Code that 4633

closes.	4634
(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to maintain such equipment.	4635 4636 4637 4638
(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E)(1) of section 3317.024 of the Revised Code.	4639 4640 4641 4642 4643 4644 4645 4646
(Q) To provide language and academic support services and other accommodations for English language learners attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code.	4647 4648 4649 4650
Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.	4651 4652 4653 4654 4655 4656 4657
All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.	4658 4659 4660 4661 4662
Transportation of pupils provided pursuant to divisions (E),	4663

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

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

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

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

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

As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted

village school district within which is located one or more 4693
 nonpublic elementary or high schools described in division (E)(1) 4694
 of section 3317.024 of the Revised Code and any payments made to 4695
 school districts under division (E)(1) of section 3317.024 of the 4696
 Revised Code for purposes of this section may be disbursed without 4697
 submission to and approval of the controlling board. 4698

The allocation of payments for materials, equipment, 4699
 textbooks, digital texts, health services, and remedial services 4700
 to city, local, and exempted village school districts shall be on 4701
 the basis of the state board of education's estimated annual 4702
 average daily membership in nonpublic elementary and high schools 4703
 located in the district described in division (E)(1) of section 4704
 3317.024 of the Revised Code. 4705

Payments made to city, local, and exempted village school 4706
 districts under this section shall be equal to specific 4707
 appropriations made for the purpose. All interest earned by a 4708
 school district on such payments shall be used by the district for 4709
 the same purposes and in the same manner as the payments may be 4710
 used. 4711

The department of education shall adopt guidelines and 4712
 procedures under which such programs and services shall be 4713
 provided, under which districts shall be reimbursed for 4714
 administrative costs incurred in providing such programs and 4715
 services, and under which any unexpended balance of the amounts 4716
 appropriated by the general assembly to implement this section may 4717
 be transferred to the auxiliary services personnel unemployment 4718
 compensation fund established pursuant to section 4141.47 of the 4719
 Revised Code. The department shall also adopt guidelines and 4720
 procedures limiting the purchase and loan of the items described 4721
 in division (K) of this section to items that are in general use 4722

in the public schools of the state, that are incapable of 4723
 diversion to religious use, and that are susceptible to individual 4724
 use rather than classroom use. Within thirty days after the end of 4725
 each biennium, each board of education shall remit to the 4726
 department all moneys paid to it under division (E)(1) of section 4727
 3317.024 of the Revised Code and any interest earned on those 4728
 moneys that are not required to pay expenses incurred under this 4729
 section during the biennium for which the money was appropriated 4730
 and during which the interest was earned. If a board of education 4731
 subsequently determines that the remittal of moneys leaves the 4732
 board with insufficient money to pay all valid expenses incurred 4733
 under this section during the biennium for which the remitted 4734
 money was appropriated, the board may apply to the department of 4735
 education for a refund of money, not to exceed the amount of the 4736
 insufficiency. If the department determines the expenses were 4737
 lawfully incurred and would have been lawful expenditures of the 4738
 refunded money, it shall certify its determination and the amount 4739
 of the refund to be made to the director of job and family 4740
 services who shall make a refund as provided in section 4141.47 of 4741
 the Revised Code. 4742

Each school district shall label materials, equipment, 4743
 computer hardware or software, textbooks, and digital texts 4744
 purchased or leased for loan to a nonpublic school under this 4745
 section, acknowledging that they were purchased or leased with 4746
 state funds under this section. However, a district need not label 4747
 materials, equipment, computer hardware or software, textbooks, or 4748
 digital texts that the district determines are consumable in 4749
 nature or have a value of less than two hundred dollars. 4750

Sec. 3317.062. (A) Moneys paid to chartered and accredited 4751
 nonpublic schools under division (E)(2) of section 3317.024 of the 4752

Revised Code shall be used for one or more of the following 4753
 purposes: 4754

(1) To purchase secular textbooks or digital texts, as 4755
 defined in divisions (A)(1) and (2) of section 3317.06 of the 4756
 Revised Code, as have been approved by the superintendent of 4757
 public instruction for use in public schools in the state; 4758

(2) To provide the services described in divisions (B), (C), 4759
 (D), and (Q) of section 3317.06 of the Revised Code; 4760

(3) To provide the services described in divisions (E), (F), 4761
 (G), and (I) of section 3317.06 of the Revised Code. If such 4762
 services are provided in public schools or in public centers, 4763
 transportation to and from such facilities shall be provided by 4764
 the nonpublic school. 4765

(4) To supply for use by pupils attending the school such 4766
 standardized tests and scoring services as are in use in the 4767
 public schools of the state; 4768

(5) To hire clerical personnel to assist in the 4769
 administration of divisions (A)(2), (3), and (4) of this section 4770
 and to hire supervisory personnel to supervise the providing of 4771
 services and textbooks pursuant to this section. These personnel 4772
 shall perform their services in the public schools, in nonpublic 4773
 schools, public centers, or mobile units where the services are 4774
 provided to the nonpublic school pupil, except that such personnel 4775
 may accompany pupils to and from the service sites when necessary 4776
 to ensure the safety of the children receiving the services. All 4777
 services provided pursuant to this section may be provided under 4778
 contract with school districts, educational service centers, the 4779
 department of health, city or general health districts, or private 4780
 agencies whose personnel are properly licensed by an appropriate 4781

state board or agency.	4782
(6) To purchase any of the materials described in division	4783
(K) of section 3317.06 of the Revised Code;	4784
(7) To purchase any of the equipment described in division	4785
(L) of section 3317.06 of the Revised Code;	4786
(8) To purchase mobile units to be used for the provision of	4787
services pursuant to division (A)(3) of this section and to pay	4788
for necessary repairs and operating costs associated with these	4789
units;	4790
(9) To purchase the equipment described in division (O) of	4791
section 3317.06 of the Revised Code;	4792
(10) To procure and pay for security services described in	4793
division (P) of section 3317.06 of the Revised Code.	4794
(B) Materials, equipment, computer hardware and software,	4795
textbooks, digital texts, and health and remedial services	4796
provided pursuant to this section and the admission of pupils to	4797
nonpublic schools shall be provided without distinction as to	4798
race, creed, color, or national origin of such pupils or of their	4799
teachers.	4800
(C) Any interest earned by a chartered nonpublic school on	4801
moneys paid to it under division (E)(2) of section 3317.024 of the	4802
Revised Code shall be used by the school for the same purposes and	4803
in the same manner as the payments may be used under this section.	4804
(D) The department of education shall adopt guidelines and	4805
procedures regarding both of the following:	4806
(1) The expenditure of moneys under this section;	4807
(2) The audit of nonpublic schools receiving funds under this	4808
section to ensure the appropriate use of funds.	4809

(E) The department shall adopt a rule specifying the party 4810
 that owns any property purchased by a chartered nonpublic school 4811
 with moneys paid under division (E)(2) of section 3317.024 of the 4812
 Revised Code. The rule shall include procedures for disposal of 4813
 the property by the designated owner when appropriate. 4814

(F) Within thirty days after the end of each biennium, each 4815
 chartered nonpublic school shall remit to the department all 4816
 moneys paid to it under division (E)(2) of section 3317.024 of the 4817
 Revised Code and any interest earned on those moneys that are not 4818
 required to pay expenses incurred under this section during the 4819
 biennium for which the moneys were appropriated and during which 4820
 the interest was earned. If a school subsequently determines that 4821
 the remittal of moneys leaves the school with insufficient money 4822
 to pay all valid expenses incurred under this section during the 4823
 biennium for which the remitted moneys were appropriated, the 4824
 school may apply to the department for a refund of money, not to 4825
 exceed the amount of the insufficiency. If the department 4826
 determines the expenses were lawfully incurred and would have been 4827
 lawful expenditures of the refunded money, the department shall 4828
 make a refund in the necessary amount. 4829

(G) As used in this section, "accredited nonpublic school" 4830
means an accredited nonpublic school as described in section 4831
3301.165 of the Revised Code. 4832

Sec. 3317.063. The superintendent of public instruction, in 4833
 accordance with rules adopted by the department of education, 4834
 shall annually reimburse each chartered nonpublic school and each 4835
accredited nonpublic school as described in section 3301.165 of 4836
the Revised Code for the actual mandated service administrative 4837
 and clerical costs incurred by such school during the preceding 4838
 school year in preparing, maintaining, and filing reports, forms, 4839

and records, and in providing such other administrative and 4840
clerical services that are not an integral part of the teaching 4841
process as may be required by state law or rule or by requirements 4842
duly promulgated by city, exempted village, or local school 4843
districts. The mandated service costs reimbursed pursuant to this 4844
section shall include, but are not limited to, the preparation, 4845
filing and maintenance of forms, reports, or records and other 4846
clerical and administrative services relating to state chartering 4847
or approval of the nonpublic school, pupil attendance, pupil 4848
health and health testing, transportation of pupils, federally 4849
funded education programs, pupil appraisal, pupil progress, 4850
educator licensure, unemployment and workers' compensation, 4851
transfer of pupils, and such other education related data which 4852
are now or hereafter shall be required of such nonpublic school by 4853
state law or rule, or by requirements of the state department of 4854
education, other state agencies, or city, exempted village, or 4855
local school districts. 4856

The reimbursement required by this section shall be for 4857
school years beginning on or after July 1, 1981. 4858

Each nonpublic school which seeks reimbursement pursuant to 4859
this section shall submit to the superintendent of public 4860
instruction an application together with such additional reports 4861
and documents as the department of education may require. Such 4862
application, reports, and documents shall contain such information 4863
as the department of education may prescribe in order to carry out 4864
the purposes of this section. No payment shall be made until the 4865
superintendent of public instruction has approved such 4866
application. 4867

Each nonpublic school which applies for reimbursement 4868
pursuant to this section shall maintain a separate account or 4869
system of accounts for the expenses incurred in rendering the 4870

required services for which reimbursement is sought. Such accounts 4871
 shall contain such information as is required by the department of 4872
 education and shall be maintained in accordance with rules adopted 4873
 by the department of education. 4874

Reimbursement payments to a nonpublic school pursuant to this 4875
 section shall not exceed an amount for each school year equal to 4876
 three hundred sixty dollars per pupil enrolled in that nonpublic 4877
 school. 4878

The superintendent of public instruction may, from time to 4879
 time, examine any and all accounts and records of a nonpublic 4880
 school which have been maintained pursuant to this section in 4881
 support of an application for reimbursement, for the purpose of 4882
 determining the costs to such school of rendering the services for 4883
 which reimbursement is sought. If after such audit it is 4884
 determined that any school has received funds in excess of the 4885
 actual cost of providing such services, said school shall 4886
 immediately reimburse the state in such excess amount. 4887

Any payments made to chartered or accredited nonpublic 4888
 schools under this section may be disbursed without submission to 4889
 and approval of the controlling board. 4890

Sec. 3317.13. (A) As used in this section and section 3317.14 4891
 of the Revised Code: 4892

(1) "Years of service" includes the following: 4893

(a) All years of teaching service in the same school district 4894
 or educational service center, regardless of training level, with 4895
 each year consisting of at least one hundred twenty days under a 4896
 teacher's contract; 4897

(b) All years of teaching service in a chartered ~~7~~ or an 4898

accredited nonpublic school located in Ohio as a teacher licensed 4899
 pursuant to section 3319.22 of the Revised Code or in another 4900
 public school, regardless of training level, with each year 4901
 consisting of at least one hundred twenty days under a teacher's 4902
 contract. For purposes of this division, "accredited nonpublic 4903
school" means an accredited nonpublic school as described in 4904
section 3301.165 of the Revised Code. 4905

(c) All years of teaching service in a chartered school or 4906
 institution or a school or institution that subsequently became 4907
 chartered or a chartered special education program or a special 4908
 education program that subsequently became chartered operated by 4909
 the state or by a subdivision or other local governmental unit of 4910
 this state as a teacher licensed pursuant to section 3319.22 of 4911
 the Revised Code, regardless of training level, with each year 4912
 consisting of at least one hundred twenty days; and 4913

(d) All years of active military service in the armed forces 4914
 of the United States, as defined in section 3307.75 of the Revised 4915
 Code, to a maximum of five years. For purposes of this 4916
 calculation, a partial year of active military service of eight 4917
 continuous months or more in the armed forces shall be counted as 4918
 a full year. 4919

(2) "Teacher" means all teachers employed by the board of 4920
 education of any school district, including any cooperative 4921
 education or joint vocational school district and all teachers 4922
 employed by any educational service center governing board. 4923

(B) No teacher shall be paid a salary less than that provided 4924
 in the schedule set forth in division (C) of this section. In 4925
 calculating the minimum salary any teacher shall be paid pursuant 4926
 to this section, years of service shall include the sum of all 4927
 years of the teacher's teaching service included in divisions 4928

(A)(1)(a), (b), (c), and (d) of this section; except that any
school district or educational service center employing a teacher
new to the district or educational service center shall grant such
teacher a total of not more than ten years of service pursuant to
divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public
instruction that the board of education of a district or the
governing board of an educational service center governing board
has failed or refused to annually adopt a salary schedule or to
pay salaries in accordance with the salary schedule set forth in
division (C) of this section, the superintendent of public
instruction shall cause to be made an immediate investigation of
such complaint. If the superintendent finds that the conditions
complained of exist, the superintendent shall order the board to
correct such conditions within ten days from the date of the
finding. No moneys shall be distributed to the district or
educational service center under this chapter until the
superintendent has satisfactory evidence of the board of
education's full compliance with such order.

Each teacher shall be fully credited with placement in the
appropriate academic training level column in the district's or
educational service center's salary schedule with years of service
properly credited pursuant to this section or section 3317.14 of
the Revised Code. No rule shall be adopted or exercised by any
board of education or educational service center governing board
which restricts the placement or the crediting of annual salary
increments for any teacher according to the appropriate academic
training level column.

(C) Minimum salaries exclusive of retirement and sick leave
for teachers shall be as follows:

	Teachers		Teachers with		Teachers				
Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	Five Years of Training, but no Master's Degree	with a Master's Degree or Higher				
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	4959
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	4960
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	4961
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	4962
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	4963
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	4964
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	4965
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	4966
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	4967
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	4968
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	4969
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	4970

* Percentages represent the percentage which each salary is of the base amount. 4978
4979

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 4980
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As used in this division: 4989

- (1) "Base amount" means twenty thousand dollars. 4990
- (2) "Five years of training" means at least one hundred fifty 4991
semester hours, or the equivalent, and a bachelor's degree from a 4992
recognized college or university. 4993
- (D) For purposes of this section, all credited training shall 4994
be from a recognized college or university. 4995
- Sec. 3319.311.** (A)(1) The state board of education, or the 4996
superintendent of public instruction on behalf of the board, may 4997
investigate any information received about a person that 4998
reasonably appears to be a basis for action under section 3319.31 4999
of the Revised Code, including information received pursuant to 5000
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 5001
or 5153.176 of the Revised Code. Except as provided in division 5002
(A)(2) of this section, the board shall contract with the office 5003
of the Ohio attorney general to conduct any investigation of that 5004
nature. The board shall pay for the costs of the contract only 5005
from moneys in the state board of education licensure fund 5006
established under section 3319.51 of the Revised Code. Except as 5007
provided in division (A)(2) of this section, all information 5008
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 5009
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 5010
information obtained during an investigation is confidential and 5011
is not a public record under section 149.43 of the Revised Code. 5012
If an investigation is conducted under this division regarding 5013
information received about a person and no action is taken against 5014
the person under this section or section 3319.31 of the Revised 5015
Code within two years of the completion of the investigation, all 5016
records of the investigation shall be expunged. 5017
- (2) In the case of a person about whom the board has learned 5018

of a plea of guilty to, finding of guilt by a jury or court of, or
a conviction of an offense listed in division (C) of section
3319.31 of the Revised Code, or substantially comparable conduct
occurring in a jurisdiction outside this state, the board or the
superintendent of public instruction need not conduct any further
investigation and shall take the action required by division (C)
or (F) of that section. Except as provided in division (G) of this
section, all information obtained by the board or the
superintendent of public instruction pertaining to the action is a
public record under section 149.43 of the Revised Code.

(B) The superintendent of public instruction shall review the
results of each investigation of a person conducted under division
(A)(1) of this section and shall determine, on behalf of the state
board, whether the results warrant initiating action under
division (B) of section 3319.31 of the Revised Code. The
superintendent shall advise the board of such determination at a
meeting of the board. Within fourteen days of the next meeting of
the board, any member of the board may ask that the question of
initiating action under section 3319.31 of the Revised Code be
placed on the board's agenda for that next meeting. Prior to
initiating that action against any person, the person's name and
any other personally identifiable information shall remain
confidential.

(C) The board shall take no action against a person under
division (B) of section 3319.31 of the Revised Code without
providing the person with written notice of the charges and with
an opportunity for a hearing in accordance with Chapter 119. of
the Revised Code.

(D) For purposes of an investigation under division (A)(1) of
this section or a hearing under division (C) of this section or

under division (E)(2) of section 3319.31 of the Revised Code, the
 board, or the superintendent on behalf of the board, may
 administer oaths, order the taking of depositions, issue
 subpoenas, and compel the attendance of witnesses and the
 production of books, accounts, papers, records, documents, and
 testimony. The issuance of subpoenas under this division may be by
 certified mail or personal delivery to the person.

(E) The superintendent, on behalf of the board, may enter
 into a consent agreement with a person against whom action is
 being taken under division (B) of section 3319.31 of the Revised
 Code. The board may adopt rules governing the superintendent's
 action under this division.

(F) No surrender of a license shall be effective until the
 board takes action to accept the surrender unless the surrender is
 pursuant to a consent agreement entered into under division (E) of
 this section.

(G) The name of any person who is not required to report
 information under section 3314.40, 3319.313, 3326.24, 3328.19,
 5126.253, or 5153.176 of the Revised Code, but who in good faith
 provides information to the state board or superintendent of
 public instruction about alleged misconduct committed by a person
 who holds a license or has applied for issuance or renewal of a
 license, shall be confidential and shall not be released. Any such
 person shall be immune from any civil liability that otherwise
 might be incurred or imposed for injury, death, or loss to person
 or property as a result of the provision of that information.

(H)(1) No person shall knowingly make a false report to the
 superintendent of public instruction or the state board of
 education alleging misconduct by an employee of a public ~~or~~
school, chartered nonpublic school, or accredited nonpublic school

described in section 3301.165 of the Revised Code or an employee 5079
of the operator of a community school established under Chapter 5080
3314. or a college-preparatory boarding school established under 5081
Chapter 3328. of the Revised Code. 5082

(2)(a) In any civil action brought against a person in which 5083
it is alleged and proved that the person violated division (H)(1) 5084
of this section, the court shall award the prevailing party 5085
reasonable attorney's fees and costs that the prevailing party 5086
incurred in the civil action or as a result of the false report 5087
that was the basis of the violation. 5088

(b) If a person is convicted of or pleads guilty to a 5089
violation of division (H)(1) of this section, if the subject of 5090
the false report that was the basis of the violation was charged 5091
with any violation of a law or ordinance as a result of the false 5092
report, and if the subject of the false report is found not to be 5093
guilty of the charges brought against the subject as a result of 5094
the false report or those charges are dismissed, the court that 5095
sentences the person for the violation of division (H)(1) of this 5096
section, as part of the sentence, shall order the person to pay 5097
restitution to the subject of the false report, in an amount equal 5098
to reasonable attorney's fees and costs that the subject of the 5099
false report incurred as a result of or in relation to the 5100
charges. 5101

Sec. 3319.313. (A) As used in this section: 5102

(1) "Conduct unbecoming to the teaching profession" shall be 5103
as described in rules adopted by the state board of education. 5104

(2) "Intervention in lieu of conviction" means intervention 5105
in lieu of conviction under section 2951.041 of the Revised Code. 5106

(3) "License" has the same meaning as in section 3319.31 of 5107

the Revised Code. 5108

(4) "Pre-trial diversion program" means a pre-trial diversion 5109
program under section 2935.36 of the Revised Code or a similar 5110
diversion program under rules of a court. 5111

(5) "Accredited nonpublic school" means an accredited 5112
nonpublic school as described in section 3301.165 of the Revised 5113
Code. 5114

(B) The superintendent of each school district and each 5115
educational service center or the president of the district or 5116
service center board, if division (C)(1) of this section applies, 5117
and the chief administrator of each chartered or accredited 5118
nonpublic school or the president or chairperson of the governing 5119
authority of the nonpublic school, if division (C)(2) of this 5120
section applies, shall promptly submit to the superintendent of 5121
public instruction the information prescribed in division (D) of 5122
this section when any of the following conditions applies to an 5123
employee of the district, service center, or nonpublic school who 5124
holds a license issued by the state board of education: 5125

(1) The superintendent, chief administrator, president, or 5126
chairperson knows that the employee has pleaded guilty to, has 5127
been found guilty by a jury or court of, has been convicted of, 5128
has been found to be eligible for intervention in lieu of 5129
conviction for, or has agreed to participate in a pre-trial 5130
diversion program for an offense described in division (B)(2) or 5131
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 5132
the Revised Code; 5133

(2) The district board of education, service center governing 5134
board, or nonpublic school chief administrator or governing 5135
authority has initiated termination or nonrenewal proceedings 5136
against, has terminated, or has not renewed the contract of the 5137

employee because the board of education, governing board, or chief administrator has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code;

(3) The employee has resigned under threat of termination or nonrenewal as described in division (B)(2) of this section;

(4) The employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code.

(C)(1) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the superintendent or treasurer of a school district or educational service center, the president of the board of education of the school district or of the governing board of the educational service center shall make the report required under this section.

(2) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the chief administrator of a chartered or an accredited nonpublic school, the president or chairperson of the governing authority of the chartered or accredited nonpublic school shall make the report required under this section.

(D) If a report is required under this section, the superintendent, chief administrator, president, or chairperson shall submit to the superintendent of public instruction the name and social security number of the employee about whom the

information is required and a factual statement regarding any of 5168
the conditions prescribed in divisions (B)(1) to (4) of this 5169
section that applies to the employee. 5170

(E) A determination made by the board of education, governing 5171
board, chief administrator, or governing authority as described in 5172
division (B)(2) of this section or a termination, nonrenewal, 5173
resignation, or other separation described in divisions (B)(2) to 5174
(4) of this section does not create a presumption of the 5175
commission or lack of the commission by the employee of an act 5176
unbecoming to the teaching profession or an offense described in 5177
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 5178
section 3319.39 of the Revised Code. 5179

(F) No individual required to submit a report under division 5180
(B) of this section shall knowingly fail to comply with that 5181
division. 5182

(G) An individual who provides information to the 5183
superintendent of public instruction in accordance with this 5184
section in good faith shall be immune from any civil liability 5185
that otherwise might be incurred or imposed for injury, death, or 5186
loss to person or property as a result of the provision of that 5187
information. 5188

Sec. 3319.314. The board of education of each school 5189
district, the governing board of each educational service center, 5190
~~and~~ the chief administrator of each chartered nonpublic school, 5191
and the chief administrator of each accredited nonpublic school 5192
operating under section 3301.165 of the Revised Code shall require 5193
that the reports of any investigation by the district board of 5194
education, service center governing board, or nonpublic school 5195
chief administrator of an employee regarding whether the employee 5196

has committed an act or offense for which the district or service 5197
center superintendent or board president or nonpublic school chief 5198
administrator or governing authority president or chairperson is 5199
required to make a report to the superintendent of public 5200
instruction under section 3319.313 of the Revised Code be kept in 5201
the employee's personnel file. If, after an investigation under 5202
division (A) of section 3319.311 of the Revised Code, the 5203
superintendent of public instruction determines that the results 5204
of that investigation do not warrant initiating action under 5205
section 3319.31 of the Revised Code, the board of education, 5206
governing board, or chief administrator shall require the reports 5207
of the board's or chief administrator's investigation to be moved 5208
from the employee's personnel file to a separate public file. 5209

Sec. 3319.317. (A) As used in this section, "license" has the 5210
same meaning as in section 3319.31 of the Revised Code. 5211

(B) No employee of a school district or educational service 5212
center shall do either of the following: 5213

(1) Knowingly make a false report to the district or service 5214
center superintendent, or the superintendent's designee, alleging 5215
misconduct by another employee of the district or service center; 5216

(2) Knowingly cause the district or service center 5217
superintendent, or the superintendent's designee, to make a false 5218
report of the alleged misconduct to the superintendent of public 5219
instruction or the state board of education. 5220

(C) Any employee of a school district or educational service 5221
center who in good faith reports to the district or service center 5222
superintendent, or the superintendent's designee, information 5223
about alleged misconduct committed by another employee of the 5224
district or service center shall be immune from any civil 5225

liability that otherwise might be incurred or imposed for injury, 5226
death, or loss to person or property as a result of the reporting 5227
of that information. 5228

If the alleged misconduct involves a person who holds a 5229
license but the district or service center superintendent is not 5230
required to submit a report to the superintendent of public 5231
instruction under section 3319.313 of the Revised Code and the 5232
district or service center superintendent, or the superintendent's 5233
designee, in good faith reports the alleged misconduct to the 5234
superintendent of public instruction or the state board, the 5235
district or service center superintendent, or the superintendent's 5236
designee, shall be immune from any civil liability that otherwise 5237
might be incurred or imposed for injury, death, or loss to person 5238
or property as a result of the reporting of that information. 5239

(D) No employee of a chartered nonpublic school or accredited 5240
nonpublic school described in section 3301.165 of the Revised Code 5241
shall do either of the following: 5242

(1) Knowingly make a false report to the chief administrator 5243
of the school, or the chief administrator's designee, alleging 5244
misconduct by another employee of the school; 5245

(2) Knowingly cause the chief administrator, or the chief 5246
administrator's designee, to make a false report of the alleged 5247
misconduct to the superintendent of public instruction or the 5248
state board. 5249

(E) Any employee of a chartered nonpublic school or 5250
accredited nonpublic school who in good faith reports to the chief 5251
administrator of the school, or the chief administrator's 5252
designee, information about alleged misconduct committed by 5253
another employee of the school shall be immune from any civil 5254
liability that otherwise might be incurred or imposed for injury, 5255

death, or loss to person or property as a result of the reporting 5256
of that information. 5257

If the alleged misconduct involves a person who holds a 5258
license but the chief administrator is not required to submit a 5259
report to the superintendent of public instruction under section 5260
3319.313 of the Revised Code and the chief administrator, or the 5261
chief administrator's designee, in good faith reports the alleged 5262
misconduct to the superintendent of public instruction or the 5263
state board, the chief administrator, or the chief administrator's 5264
designee, shall be immune from any civil liability that otherwise 5265
might be incurred or imposed for injury, death, or loss to person 5266
or property as a result of the reporting of that information. 5267

(F)(1) In any civil action brought against a person in which 5268
it is alleged and proved that the person violated division (B) or 5269
(D) of this section, the court shall award the prevailing party 5270
reasonable attorney's fees and costs that the prevailing party 5271
incurred in the civil action or as a result of the false report 5272
that was the basis of the violation. 5273

(2) If a person is convicted of or pleads guilty to a 5274
violation of division (B) or (D) of this section, if the subject 5275
of the false report that was the basis of the violation was 5276
charged with any violation of a law or ordinance as a result of 5277
the false report, and if the subject of the false report is found 5278
not to be guilty of the charges brought against the subject as a 5279
result of the false report or those charges are dismissed, the 5280
court that sentences the person for the violation of division (B) 5281
or (D) of this section, as part of the sentence, shall order the 5282
person to pay restitution to the subject of the false report, in 5283
an amount equal to reasonable attorney's fees and costs that the 5284
subject of the false report incurred as a result of or in relation 5285
to the charges. 5286

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 5287
of section 109.57 of the Revised Code, the appointing or hiring 5288
officer of the board of education of a school district, the 5289
governing board of an educational service center, or of a 5290
chartered or accredited nonpublic school shall request the 5291
superintendent of the bureau of criminal identification and 5292
investigation to conduct a criminal records check with respect to 5293
any applicant who has applied to the school district, educational 5294
service center, or school for employment in any position. The 5295
appointing or hiring officer shall request that the superintendent 5296
include information from the federal bureau of investigation in 5297
the criminal records check, unless all of the following apply to 5298
the applicant: 5299

(a) The applicant is applying to be an instructor of adult 5300
education. 5301

(b) The duties of the position for which the applicant is 5302
applying do not involve routine interaction with a child or 5303
regular responsibility for the care, custody, or control of a 5304
child or, if the duties do involve such interaction or 5305
responsibility, during any period of time in which the applicant, 5306
if hired, has such interaction or responsibility, another employee 5307
of the school district, educational service center, or chartered 5308
or accredited nonpublic school will be present in the same room 5309
with the child or, if outdoors, will be within a thirty-yard 5310
radius of the child or have visual contact with the child. 5311

(c) The applicant presents proof that the applicant has been 5312
a resident of this state for the five-year period immediately 5313
prior to the date upon which the criminal records check is 5314
requested or provides evidence that within that five-year period 5315
the superintendent has requested information about the applicant 5316

from the federal bureau of investigation in a criminal records 5317
check. 5318

(2) A person required by division (A)(1) of this section to 5319
request a criminal records check shall provide to each applicant a 5320
copy of the form prescribed pursuant to division (C)(1) of section 5321
109.572 of the Revised Code, provide to each applicant a standard 5322
impression sheet to obtain fingerprint impressions prescribed 5323
pursuant to division (C)(2) of section 109.572 of the Revised 5324
Code, obtain the completed form and impression sheet from each 5325
applicant, and forward the completed form and impression sheet to 5326
the superintendent of the bureau of criminal identification and 5327
investigation at the time the person requests a criminal records 5328
check pursuant to division (A)(1) of this section. 5329

(3) An applicant who receives pursuant to division (A)(2) of 5330
this section a copy of the form prescribed pursuant to division 5331
(C)(1) of section 109.572 of the Revised Code and a copy of an 5332
impression sheet prescribed pursuant to division (C)(2) of that 5333
section and who is requested to complete the form and provide a 5334
set of fingerprint impressions shall complete the form or provide 5335
all the information necessary to complete the form and shall 5336
provide the impression sheet with the impressions of the 5337
applicant's fingerprints. If an applicant, upon request, fails to 5338
provide the information necessary to complete the form or fails to 5339
provide impressions of the applicant's fingerprints, the board of 5340
education of a school district, governing board of an educational 5341
service center, or governing authority of a chartered nonpublic 5342
school shall not employ that applicant for any position. 5343

(4) Notwithstanding any provision of this section to the 5344
contrary, an applicant who meets the conditions prescribed in 5345
divisions (A)(1)(a) and (b) of this section and who, within the 5346

two-year period prior to the date of application, was the subject
of a criminal records check under this section prior to being
hired for short-term employment with the school district,
educational service center, or chartered or accredited nonpublic
school to which application is being made shall not be required to
undergo a criminal records check prior to the applicant's rehiring
by that district, service center, or school.

(B)(1) Except as provided in rules adopted by the department
of education in accordance with division (E) of this section and
as provided in division (B)(3) of this section, no board of
education of a school district, no governing board of an
educational service center, and no governing authority of a
chartered or accredited nonpublic school shall employ a person if
the person previously has been convicted of or pleaded guilty to
any of the following:

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

(b) A violation of an existing or former law of this state, 5378
another state, or the United States that is substantially 5379
equivalent to any of the offenses or violations described in 5380
division (B)(1)(a) of this section. 5381

(2) A board, governing board of an educational service 5382
center, or a governing authority of a chartered or accredited 5383
nonpublic school may employ an applicant conditionally until the 5384
criminal records check required by this section is completed and 5385
the board or governing authority receives the results of the 5386
criminal records check. If the results of the criminal records 5387
check indicate that, pursuant to division (B)(1) of this section, 5388
the applicant does not qualify for employment, the board or 5389
governing authority shall release the applicant from employment. 5390

(3) No board and no governing authority of a chartered or 5391
accredited nonpublic school shall employ a teacher who previously 5392
has been convicted of or pleaded guilty to any of the offenses 5393
listed in section 3319.31 of the Revised Code. 5394

(C)(1) Each board and each governing authority of a chartered 5395
or accredited nonpublic school shall pay to the bureau of criminal 5396
identification and investigation the fee prescribed pursuant to 5397
division (C)(3) of section 109.572 of the Revised Code for each 5398
criminal records check conducted in accordance with that section 5399
upon the request pursuant to division (A)(1) of this section of 5400
the appointing or hiring officer of the board or governing 5401
authority. 5402

(2) A board and the governing authority of a chartered or 5403
accredited nonpublic school may charge an applicant a fee for the 5404
costs it incurs in obtaining a criminal records check under this 5405
section. A fee charged under this division shall not exceed the 5406
amount of fees the board or governing authority pays under 5407

division (C)(1) of this section. If a fee is charged under this 5408
division, the board or governing authority shall notify the 5409
applicant at the time of the applicant's initial application for 5410
employment of the amount of the fee and that, unless the fee is 5411
paid, the board or governing authority will not consider the 5412
applicant for employment. 5413

(D) The report of any criminal records check conducted by the 5414
bureau of criminal identification and investigation in accordance 5415
with section 109.572 of the Revised Code and pursuant to a request 5416
under division (A)(1) of this section is not a public record for 5417
the purposes of section 149.43 of the Revised Code and shall not 5418
be made available to any person other than the applicant who is 5419
the subject of the criminal records check or the applicant's 5420
representative, the board or governing authority requesting the 5421
criminal records check or its representative, and any court, 5422
hearing officer, or other necessary individual involved in a case 5423
dealing with the denial of employment to the applicant. 5424

(E) The department of education shall adopt rules pursuant to 5425
Chapter 119. of the Revised Code to implement this section, 5426
including rules specifying circumstances under which the board or 5427
governing authority may hire a person who has been convicted of an 5428
offense listed in division (B)(1) or (3) of this section but who 5429
meets standards in regard to rehabilitation set by the department. 5430

The department shall amend rule 3301-83-23 of the Ohio 5431
Administrative Code that took effect August 27, 2009, and that 5432
specifies the offenses that disqualify a person for employment as 5433
a school bus or school van driver and establishes rehabilitation 5434
standards for school bus and school van drivers. 5435

(F) Any person required by division (A)(1) of this section to 5436
request a criminal records check shall inform each person, at the 5437

time of the person's initial application for employment, of the
 requirement to provide a set of fingerprint impressions and that a
 criminal records check is required to be conducted and
 satisfactorily completed in accordance with section 109.572 of the
 Revised Code if the person comes under final consideration for
 appointment or employment as a precondition to employment for the
 school district, educational service center, or school for that
 position.

(G) As used in this section:

(1) "Accredited nonpublic school" means an accredited
 nonpublic school as described in section 3301.165 of the Revised
 Code.

(2) "Applicant" means a person who is under final
 consideration for appointment or employment in a position with a
 board of education, governing board of an educational service
 center, or a chartered nonpublic school, except that "applicant"
 does not include a person already employed by a board or chartered
 nonpublic school who is under consideration for a different
 position with such board or school.

~~(2)~~(3) "Teacher" means a person holding an educator license
 or permit issued under section 3319.22 or 3319.301 of the Revised
 Code and teachers in a chartered nonpublic school.

~~(3)~~(4) "Criminal records check" has the same meaning as in
 section 109.572 of the Revised Code.

~~(4)~~(5) "Minor drug possession offense" has the same meaning
 as in section 2925.01 of the Revised Code.

(H) If the board of education of a local school district
 adopts a resolution requesting the assistance of the educational
 service center in which the local district has territory in

conducting criminal records checks of substitute teachers and 5467
 substitutes for other district employees under this section, the 5468
 appointing or hiring officer of such educational service center 5469
 shall serve for purposes of this section as the appointing or 5470
 hiring officer of the local board in the case of hiring substitute 5471
 teachers and other substitute employees for the local district. 5472

Sec. 3319.391. This section applies to any person hired by a 5473
 school district, educational service center, or chartered 5474
 nonpublic school, or accredited nonpublic school as described in 5475
section 3301.165 of the Revised Code in any position that does not 5476
 require a "license" issued by the state board of education, as 5477
 defined in section 3319.31 of the Revised Code, and is not for the 5478
 operation of a vehicle for pupil transportation. 5479

(A) For each person to whom this section applies who is hired 5480
 on or after November 14, 2007, the employer shall request a 5481
 criminal records check in accordance with section 3319.39 of the 5482
 Revised Code and shall request a subsequent criminal records check 5483
 by the fifth day of September every fifth year thereafter. For 5484
 each person to whom this division applies who is hired prior to 5485
 November 14, 2007, the employer shall request a criminal records 5486
 check by a date prescribed by the department of education and 5487
 shall request a subsequent criminal records check by the fifth day 5488
 of September every fifth year thereafter. 5489

(B)(1) Each request for a criminal records check under this 5490
 section shall be made to the superintendent of the bureau of 5491
 criminal identification and investigation in the manner prescribed 5492
 in section 3319.39 of the Revised Code, except that if both of the 5493
 following conditions apply to the person subject to the records 5494
 check, the employer shall request the superintendent only to 5495
 obtain any criminal records that the federal bureau of 5496

investigation has on the person: 5497

(a) The employer previously requested the superintendent to 5498
determine whether the bureau of criminal identification and 5499
investigation has any information, gathered pursuant to division 5500
(A) of section 109.57 of the Revised Code, on the person in 5501
conjunction with a criminal records check requested under section 5502
3319.39 of the Revised Code or under this section. 5503

(b) The person presents proof that the person has been a 5504
resident of this state for the five-year period immediately prior 5505
to the date upon which the person becomes subject to a criminal 5506
records check under this section. 5507

(2) Upon receipt of a request under division (B)(1) of this 5508
section, the superintendent shall conduct the criminal records 5509
check in accordance with section 109.572 of the Revised Code as if 5510
the request had been made under section 3319.39 of the Revised 5511
Code. However, as specified in division (B)(2) of section 109.572 5512
of the Revised Code, if the employer requests the superintendent 5513
only to obtain any criminal records that the federal bureau of 5514
investigation has on the person for whom the request is made, the 5515
superintendent shall not conduct the review prescribed by division 5516
(B)(1) of that section. 5517

(C) Any person who is the subject of a criminal records check 5518
under this section and has been convicted of or pleaded guilty to 5519
any offense described in division (B)(1) of section 3319.39 of the 5520
Revised Code shall not be hired or shall be released from 5521
employment, as applicable, unless the person meets the 5522
rehabilitation standards adopted by the department under division 5523
(E) of that section. 5524

Sec. 3319.392. (A) As used in this section: 5525

(1) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 5526
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(2) "Designated official" means the superintendent, or the superintendent's designee, in the case of a school district or educational service center and the chief administrator, or the chief administrator's designee, in the case of a chartered nonpublic school. 5529
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~~(2)~~(3) "Essential school services" means services provided by a private company under contract with a school district, educational service center, or chartered nonpublic school that the district or service center superintendent or the chief administrator of the chartered nonpublic school has determined are necessary for the operation of the district, service center, or chartered nonpublic school and that would need to be provided by employees of the district, service center, or chartered nonpublic school if the services were not provided by the private company. 5534
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~~(3)~~(4) "License" has the same meaning as in section 3319.31 of the Revised Code. 5543
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(B) This section applies to any person who is an employee of a private company under contract with a school district, educational service center, or chartered or accredited nonpublic school to provide essential school services and who will work in the district, service center, or chartered or accredited nonpublic school in a position that does not require a license issued by the state board of education, is not for the operation of a vehicle for pupil transportation, and that involves routine interaction with a child or regular responsibility for the care, custody, or control of a child. 5545
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(C) No school district, educational service center, or 5555

chartered or accredited nonpublic school shall permit a person to 5556
whom this section applies to work in the district, service center, 5557
or chartered or accredited nonpublic school, unless one of the 5558
following applies to the person: 5559

(1) The person's employer presents proof of both of the 5560
following to the designated official: 5561

(a) That the person has been the subject of a criminal 5562
records check conducted in accordance with division (D) of this 5563
section within the five-year period immediately prior to the date 5564
on which the person will begin working in the district, service 5565
center, or chartered or accredited nonpublic school; 5566

(b) That the criminal records check indicates that the person 5567
has not been convicted of or pleaded guilty to any offense 5568
described in division (B)(1) of section 3319.39 of the Revised 5569
Code. 5570

(2) During any period of time in which the person will have 5571
routine interaction with a child or regular responsibility for the 5572
care, custody, or control of a child, the designated official has 5573
arranged for an employee of the district, service center, or 5574
chartered or accredited nonpublic school to be present in the same 5575
room with the child or, if outdoors, to be within a thirty-yard 5576
radius of the child or to have visual contact with the child. 5577

(D) Any private company that has been hired or seeks to be 5578
hired by a school district, educational service center, or 5579
chartered or accredited nonpublic school to provide essential 5580
school services may request the bureau of criminal identification 5581
and investigation to conduct a criminal records check of any of 5582
its employees for the purpose of complying with division (C)(1) of 5583
this section. Each request for a criminal records check under this 5584
division shall be made to the superintendent of the bureau in the 5585

manner prescribed in section 3319.39 of the Revised Code. Upon 5586
 receipt of a request, the bureau shall conduct the criminal 5587
 records check in accordance with section 109.572 of the Revised 5588
 Code as if the request had been made under section 3319.39 of the 5589
 Revised Code. 5590

Notwithstanding division (H) of section 109.57 of the Revised 5591
 Code, the private company may share the results of any criminal 5592
 records check conducted under this division with the designated 5593
 official for the purpose of complying with division (C)(1) of this 5594
 section, but in no case shall the designated official release that 5595
 information to any other person. 5596

Sec. 3319.40. (A) As used in this section, "license": 5597

(1) "Accredited nonpublic school" means an accredited 5598
nonpublic school as described in section 3301.165 of the Revised 5599
Code. 5600

(2) "License" has the same meaning as in section 3319.31 of 5601
 the Revised Code. 5602

(B) If a person who is employed by a school district or 5603
 chartered or accredited nonpublic school is arrested, summoned, or 5604
 indicted for an alleged violation of an offense listed in division 5605
 (C) of section 3319.31 of the Revised Code, if the person holds a 5606
 license, or an offense listed in division (B)(1) of section 5607
 3319.39 of the Revised Code, if the person does not hold a 5608
 license, the superintendent of the district or the chief 5609
 administrative officer of the chartered or accredited nonpublic 5610
 school shall suspend that person from all duties that require the 5611
 care, custody, or control of a child during the pendency of the 5612
 criminal action against the person. If the person who is arrested, 5613
 summoned, or indicted for an alleged violation of an offense 5614

listed in division (C) of section 3319.31 or division (B)(1) of 5615
 section 3319.39 of the Revised Code is a person whose duties are 5616
 assigned by the district treasurer under division (B) of section 5617
 3313.31 of the Revised Code, the treasurer shall suspend the 5618
 person from all duties that require the care, custody, or control 5619
 of a child. If the person who is arrested, summoned, or indicted 5620
 for an alleged violation of an offense listed in division (C) of 5621
 section 3319.31 or division (B)(1) of section 3319.39 of the 5622
 Revised Code is the superintendent or treasurer of the district, 5623
 the district board shall suspend the superintendent or treasurer 5624
 from all duties that require the care, custody, or control of a 5625
 child. If the person who is arrested, summoned, or indicted for an 5626
 alleged violation of an offense listed in division (C) of section 5627
 3319.31 or division (B)(1) of section 3319.39 of the Revised Code 5628
 is the chief administrative officer of the chartered or accredited 5629
 nonpublic school, the governing authority of the chartered or 5630
accredited nonpublic school shall suspend the chief administrative 5631
 officer from all duties that require the care, custody, or control 5632
 of a child. 5633

(C) When a person who holds a license is suspended in 5634
 accordance with this section, the superintendent, treasurer, board 5635
 of education, chief administrative officer, or governing authority 5636
 that imposed the suspension promptly shall report the person's 5637
 suspension to the department of education. The report shall 5638
 include the offense for which the person was arrested, summoned, 5639
 or indicted. 5640

Sec. 3319.52. (A) As used in this section: 5641

(1) "Accredited nonpublic school" means an accredited 5642
nonpublic school as described in section 3301.165 of the Revised 5643
Code. 5644

(2) "Intervention in lieu of conviction" means intervention 5645
in lieu of conviction under section 2951.041 of the Revised Code. 5646

~~(2)~~(3) "License" has the same meaning as in section 3319.31 5647
of the Revised Code. 5648

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 5649
diversion program under section 2935.36 of the Revised Code or a 5650
similar diversion program under rules of a court. 5651

~~(4)~~(5) "Prosecutor" has the same meaning as in section 5652
2935.01 of the Revised Code. 5653

(B) If there is any judicial finding of guilt or any 5654
conviction or a judicial finding of eligibility for intervention 5655
in lieu of conviction against a license holder, or if a license 5656
holder agrees to participate in a pre-trial diversion program, for 5657
any of the offenses listed in division (B)(2) or (C) of section 5658
3319.31 of the Revised Code, the prosecutor in the case, on forms 5659
that the state board of education shall prescribe and furnish, 5660
promptly shall notify the board and, if known, any school district 5661
or chartered or accredited nonpublic school employing the license 5662
holder of the license holder's name and residence address, and the 5663
fact that the license holder pleaded guilty to, was convicted of, 5664
has been found eligible for intervention in lieu of conviction 5665
for, or has agreed to a diversion program for the offense. 5666

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 5667
"guardian," or "other person having charge or care of a child" 5668
means either parent unless the parents are separated or divorced 5669
or their marriage has been dissolved or annulled, in which case 5670
"parent" means the parent who is the residential parent and legal 5671
custodian of the child. If the child is in the legal or permanent 5672
custody of a person or government agency, "parent" means that 5673

person or government agency. When a child is a resident of a home, 5674
as defined in section 3313.64 of the Revised Code, and the child's 5675
parent is not a resident of this state, "parent," "guardian," or 5676
"other person having charge or care of a child" means the head of 5677
the home. 5678

A child between six and eighteen years of age is "of 5679
compulsory school age" for the purpose of sections 3321.01 to 5680
3321.13 of the Revised Code. A child under six years of age who 5681
has been enrolled in kindergarten also shall be considered "of 5682
compulsory school age" for the purpose of sections 3321.01 to 5683
3321.13 of the Revised Code unless at any time the child's parent 5684
or guardian, at the parent's or guardian's discretion and in 5685
consultation with the child's teacher and principal, formally 5686
withdraws the child from kindergarten. The compulsory school age 5687
of a child shall not commence until the beginning of the term of 5688
such schools, or other time in the school year fixed by the rules 5689
of the board of the district in which the child resides. 5690

(2) In a district in which all children are admitted to 5691
kindergarten and the first grade in August or September, a child 5692
shall be admitted if the child is five or six years of age, 5693
respectively, by the thirtieth day of September of the year of 5694
admittance, or by the first day of a term or semester other than 5695
one beginning in August or September in school districts granting 5696
admittance at the beginning of such term or semester. A child who 5697
does not meet the age requirements of this section for admittance 5698
to kindergarten or first grade, but who will be five or six years 5699
old, respective, prior to the first day of January of the school 5700
year in which admission is requested, shall be evaluated for early 5701
admittance in accordance with district policy upon referral by the 5702
child's parent or guardian, an educator employed by the district, 5703
a preschool educator who knows the child, or a pediatrician or 5704

psychologist who knows the child. Following an evaluation in 5705
accordance with a referral under this section, the district board 5706
shall decide whether to admit the child. If a child for whom 5707
admission to kindergarten or first grade is requested will not be 5708
five or six years of age, respectively, prior to the first day of 5709
January of the school year in which admission is requested, the 5710
child shall be admitted only in accordance with the district's 5711
acceleration policy adopted under section 3324.10 of the Revised 5712
Code. 5713

(3) Notwithstanding division (A)(2) of this section, 5714
beginning with the school year that starts in 2001 and continuing 5715
thereafter the board of education of any district may adopt a 5716
resolution establishing the first day of August in lieu of the 5717
thirtieth day of September as the required date by which students 5718
must have attained the age specified in that division. 5719

(4) After a student has been admitted to kindergarten in a 5720
school district or chartered or accredited nonpublic school, no 5721
board of education of a school district to which the student 5722
transfers shall deny that student admission based on the student's 5723
age. As used in this section, "accredited nonpublic school" means 5724
an accredited nonpublic school as described in section 3301.165 of 5725
the Revised Code. 5726

(B) As used in division (C) of this section, "successfully 5727
completed kindergarten" means that the child has completed the 5728
kindergarten requirements at one of the following: 5729

(1) A public or chartered or accredited nonpublic school; 5730

(2) A kindergarten class that is both of the following: 5731

(a) Offered by a day-care provider licensed under Chapter 5732
5104. of the Revised Code; 5733

(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	5734
	5735
(i) A valid educator license issued under section 3319.22 of the Revised Code;	5736
	5737
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	5738
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	5740
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	5741
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	5743
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	5744
	5745
(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	5746
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(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	5749
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	5751
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	5752
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(E) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	5756
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(F) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed	5759
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by the provider meets the requirement of division (B)(2)(b)(iii) 5762
of this section and, if so, shall furnish the provider a statement 5763
to that effect. 5764

(G) As used in this division, "all-day kindergarten" has the 5765
same meaning as in section 3321.05 of the Revised Code. 5766

(1) A school district that is offering all-day kindergarten 5767
for the first time or that charged fees or tuition for all-day 5768
kindergarten in the 2012-2013 school year may charge fees or 5769
tuition for a student enrolled in all-day kindergarten in any 5770
school year following the 2012-2013 school year. The department 5771
shall adjust the district's average daily membership certification 5772
under section 3317.03 of the Revised Code by one-half of the 5773
full-time equivalency for each student charged fees or tuition for 5774
all-day kindergarten under this division. If a district charges 5775
fees or tuition for all-day kindergarten under this division, the 5776
district shall develop a sliding fee scale based on family 5777
incomes. 5778

(2) The department of education shall conduct an annual 5779
survey of each school district described in division (G)(1) of 5780
this section to determine the following: 5781

(a) Whether the district charges fees or tuition for students 5782
enrolled in all-day kindergarten; 5783

(b) The amount of the fees or tuition charged; 5784

(c) How many of the students for whom tuition is charged are 5785
eligible for free lunches under the "National School Lunch Act," 5786
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 5787
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 5788
and how many of the students for whom tuition is charged are 5789
eligible for reduced price lunches under those acts; 5790

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten. 5791
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Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section. 5793
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The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter. 5796
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Sec. 3326.01. (A) As used in this chapter: 5801

(1) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 5802
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(2) "Community school" means a community school established under Chapter 3314. of the Revised Code. 5805
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(3) "STEM" is an abbreviation of "science, technology, engineering, and mathematics." 5807
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~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics." 5809
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(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school. 5811
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(2) A STEAM school equivalent shall be considered to be a type of STEM school equivalent. 5814
5815

(3) A STEAM program of excellence shall be considered to be a type of STEM program of excellence. 5816
5817

(C)(1) Any reference to a STEM school or science, technology, engineering, and mathematics school in the Revised Code shall be considered to include a STEAM school, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school shall apply to a STEAM school in the same manner, except as otherwise provided in this chapter.

(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse

geographic regions of the state so that all students have access 5847
to a STEM school. 5848

The committee shall seek technical assistance from the Ohio 5849
STEM learning network, or its successor, throughout the process of 5850
accepting and evaluating proposals and choosing which proposals to 5851
approve. In approving proposals for STEM schools, the committee 5852
shall consider the recommendations of the Ohio STEM learning 5853
network, or its successor. 5854

The committee may authorize the establishment of a group of 5855
multiple STEM schools to operate from multiple facilities located 5856
in one or more school districts under the direction of a single 5857
governing body in the manner prescribed by section 3326.031 of the 5858
Revised Code. The committee shall consider the merits of each of 5859
the proposed STEM schools within a group and shall authorize each 5860
school separately. Anytime after authorizing a group of STEM 5861
schools to be under the direction of a single governing body, upon 5862
a proposal from the governing body, the committee may authorize 5863
one or more additional schools to operate as part of that group. 5864

The STEM committee may approve one or more STEM schools to 5865
serve only students identified as gifted under Chapter 3324. of 5866
the Revised Code. 5867

(B) Proposals may be submitted only by a partnership of 5868
public and private entities consisting of at least all of the 5869
following: 5870

(1) A city, exempted village, local, or joint vocational 5871
school district or an educational service center; 5872

(2) Higher education entities; 5873

(3) Business organizations. 5874

A community school ~~established under Chapter 3314. of the~~ 5875

Revised Code , a chartered nonpublic school, <u>an accredited</u>	5876
<u>nonpublic school</u> , or both <u>any combination of such schools</u> may be	5877
part of the partnership.	5878
(C) Each proposal shall include at least the following:	5879
(1) Assurances that the STEM school or group of STEM schools	5880
will be under the oversight of a governing body and a description	5881
of the members of that governing body and how they will be	5882
selected;	5883
(2) Assurances that each STEM school will operate in	5884
compliance with this chapter and the provisions of the proposal as	5885
accepted by the committee;	5886
(3) Evidence that each school will offer a rigorous, diverse,	5887
integrated, and project-based curriculum to students in any of	5888
grades kindergarten through twelve, with the goal to prepare those	5889
students for college, the workforce, and citizenship, and that	5890
does all of the following:	5891
(a) Emphasizes the role of science, technology, engineering,	5892
and mathematics in promoting innovation and economic progress;	5893
(b) Incorporates scientific inquiry and technological design;	5894
(c) Includes the arts and humanities. If the proposal is for	5895
a STEAM school, it also shall include evidence that the curriculum	5896
will integrate arts and design into the study of science,	5897
technology, engineering, and mathematics to foster creative	5898
thinking, problem-solving, and new approaches to scientific	5899
invention.	5900
(d) Emphasizes personalized learning and teamwork skills.	5901
(4) Evidence that each school will attract school leaders who	5902
support the curriculum principles of division (C)(3) of this	5903
section;	5904

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school ~~established under Chapter 3314. of the Revised Code,~~ or to a chartered or accredited nonpublic school. In order to be eligible for this designation, a community school or chartered or accredited nonpublic school shall

submit a proposal that satisfies the requirements of this section. 5934
5935

The committee shall determine the criteria for proposals, 5936
establish procedures for the submission of proposals, accept and 5937
evaluate proposals, and choose which proposals warrant a community 5938
school or chartered or accredited nonpublic school to be 5939
designated as a STEM school equivalent. 5940

(B) A proposal for designation as a STEM school equivalent 5941
shall include at least the following: 5942

(1) Assurances that the community school or chartered or 5943
accredited nonpublic school submitting the proposal has a working 5944
partnership with both public and private entities, including 5945
higher education entities and business organizations. If the 5946
proposal is for a STEAM school equivalent, it also shall include 5947
evidence that this partnership includes arts organizations. 5948

(2) Assurances that the school submitting the proposal will 5949
operate in compliance with this section and the provisions of the 5950
proposal as accepted by the committee; 5951

(3) Evidence that the school submitting the proposal will 5952
offer a rigorous, diverse, integrated, and project-based 5953
curriculum to students in any of grades kindergarten through 5954
twelve, with the goal to prepare those students for college, the 5955
workforce, and citizenship, and that does all of the following: 5956

(a) Emphasizes the role of science, technology, engineering, 5957
and mathematics in promoting innovation and economic progress; 5958

(b) Incorporates scientific inquiry and technological design; 5959

(c) Includes the arts and humanities. If the proposal is for 5960
a STEAM school equivalent, it also shall include evidence that the 5961

curriculum will integrate arts and design into the study of	5962
science, technology, engineering, and mathematics to foster	5963
creative thinking, problem-solving, and new approaches to	5964
scientific invention.	5965
(d) Emphasizes personalized learning and teamwork skills.	5966
(4) Evidence that the school submitting the proposal will	5967
attract school leaders who support the curriculum principles of	5968
division (B)(3) of this section;	5969
(5) A description of how each school's curriculum will be	5970
developed and approved in accordance with section 3326.09 of the	5971
Revised Code;	5972
(6) Evidence that the school submitting the proposal will	5973
utilize an established capacity to capture and share knowledge for	5974
best practices and innovative professional development;	5975
(7) Assurances that the school submitting the proposal has	5976
received commitments of sustained and verifiable fiscal and	5977
in-kind support from regional education and business entities. If	5978
the proposal is for a STEAM school equivalent, it also shall	5979
include assurances that the school has received commitments of	5980
sustained and verifiable fiscal and in-kind support from arts	5981
organizations.	5982
(C)(1) A community school or chartered <u>or accredited</u>	5983
nonpublic school that is designated as a STEM school equivalent	5984
under this section shall not be subject to the requirements of	5985
Chapter 3326. of the Revised Code, except that the school shall be	5986
subject to the requirements of this section and to the curriculum	5987
requirements of section 3326.09 of the Revised Code.	5988
Nothing in this section, however, shall relieve a community	5989
school of the applicable requirements of Chapter 3314. of the	5990

Revised Code. Nor shall anything in this section relieve a
 chartered or accredited nonpublic school of any provisions of law
 outside of this chapter that are applicable to chartered or
accredited nonpublic schools.

(2) A community school or chartered or accredited nonpublic
 school that is designated as a STEM school equivalent under this
 section shall not be eligible for operating funding under sections
 3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised
 Code.

(3) A community school or chartered or accredited nonpublic
 school that is designated as a STEM school equivalent under this
 section may apply for any of the grants and additional funds
 described in section 3326.38 of the Revised Code for which the
 school is eligible.

(D) If a community school or chartered or accredited
 nonpublic school that is designated as a STEM school equivalent
 under this section intends to close or intends to no longer be
 designated as a STEM school equivalent, it shall notify the STEM
 committee of that fact.

(E) If a community school or chartered or accredited
 nonpublic school that is designated as a STEM school equivalent
 wishes to be designated as a STEAM school equivalent, it may
 change its existing proposal to include the items required under
 divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit
 the revised proposal to the STEM committee for approval.

Sec. 3326.04. (A) The STEM committee shall award grants to
 support the operation of STEM programs of excellence to serve
 students in any of grades kindergarten through twelve through a
 request for proposals.

- (B) Proposals may be submitted by any of the following: 6020
- (1) The board of education of a city, exempted village, or 6021
local school district; 6022
- (2) The governing authority of a community school established 6023
under Chapter 3314. of the Revised Code; 6024
- (3) The governing authority of a chartered or accredited 6025
nonpublic school. 6026
- (C) Each proposal shall demonstrate to the satisfaction of 6027
the STEM committee that the program meets at least the following 6028
standards: 6029
- (1) Unless the program is designed to serve only students 6030
identified as gifted under Chapter 3324. of the Revised Code, the 6031
program will serve all students enrolled in the district or school 6032
in the grades for which the program is designed. 6033
- (2) The program will offer a rigorous and diverse curriculum 6034
that is based on scientific inquiry and technological design, that 6035
emphasizes personalized learning and teamwork skills, and that 6036
will expose students to advanced scientific concepts within and 6037
outside the classroom. If the proposal is for a STEAM program of 6038
excellence, it also shall include evidence that the curriculum 6039
will integrate arts and design into the curriculum to foster 6040
creative thinking, problem-solving, and new approaches to 6041
scientific invention. 6042
- (3) Unless the program is designed to serve only students 6043
identified as gifted under Chapter 3324. of the Revised Code, the 6044
program will not limit participation of students on the basis of 6045
intellectual ability, measures of achievement, or aptitude. 6046
- (4) The program will utilize an established capacity to 6047
capture and share knowledge for best practices and innovative 6048

professional development. 6049

(5) The program will operate in collaboration with a 6050
partnership that includes institutions of higher education and 6051
businesses. If the proposal is for a STEAM program of excellence, 6052
it also shall include evidence that this partnership includes arts 6053
organizations. 6054

(6) The program will include teacher professional development 6055
strategies that are augmented by community and business partners. 6056

(D) The STEM committee shall give priority to proposals for 6057
new or expanding innovative programs. 6058

(E) If a STEM program of excellence wishes to become a STEAM 6059
program of excellence, it may change its existing proposal to 6060
include the items required under divisions (C)(2) and (C)(5) of 6061
this section and submit the revised proposal to the STEM committee 6062
for approval. 6063

Sec. 3326.09. Subject to approval by its governing body or 6064
governing authority, the curriculum of each science, technology, 6065
engineering, and mathematics school and of each community school 6066
or chartered or accredited nonpublic school that is designated as 6067
a STEM school equivalent under section 3326.032 of the Revised 6068
Code shall be developed by a team that consists of at least the 6069
school's chief administrative officer, a teacher, a representative 6070
of the higher education institution that is a collaborating 6071
partner in the STEM school or school designated as a STEM school 6072
equivalent, and a member of the public with expertise in the 6073
application of science, technology, engineering, or mathematics. 6074
In the case of a STEAM school or a STEAM school equivalent, the 6075
team also shall include an expert in the integration of arts and 6076
design into the STEM fields. 6077

Sec. 3327.07. (A) The governing authority of a chartered or an accredited nonpublic school, as described in section 3301.165 of the Revised Code, that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a chartered or accredited nonpublic school and is eligible for transportation by a school district under section 3327.01 of the Revised Code may decline that transportation and accept transportation from the chartered or accredited nonpublic school. The governing authority of a chartered or accredited nonpublic school may charge a fee under division (A) of this section regardless of whether a student is eligible for transportation under section 3327.01 of the Revised Code.

(C) The offering by the governing authority of a chartered or accredited nonpublic school of transportation to and from the school does not relieve any school district board of education from any duty imposed by sections 3327.01 and 3327.02 of the Revised Code with respect to the chartered or accredited nonpublic school's students.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this

state, who has not received a certificate from either the 6107
educational service center governing board that has entered into 6108
an agreement with the school district under section 3313.843 or 6109
3313.845 of the Revised Code or the superintendent of the school 6110
district, certifying that such person is at least eighteen years 6111
of age and is of good moral character and is qualified physically 6112
and otherwise for such position. The service center governing 6113
board or the superintendent, as the case may be, shall provide for 6114
an annual physical examination that conforms with rules adopted by 6115
the state board of education of each driver to ascertain the 6116
driver's physical fitness for such employment. Any certificate may 6117
be revoked by the authority granting the same on proof that the 6118
holder has been guilty of failing to comply with division (D)(1) 6119
of this section, or upon a conviction or a guilty plea for a 6120
violation, or any other action, that results in a loss or 6121
suspension of driving rights. Failure to comply with such division 6122
may be cause for disciplinary action or termination of employment 6123
under division (C) of section 3319.081, or section 124.34 of the 6124
Revised Code. 6125

(B) No person shall be employed as driver of a school bus or 6126
motor van not subject to the rules of the department of education 6127
pursuant to division (A) of this section who has not received a 6128
certificate from the school administrator or contractor certifying 6129
that such person is at least eighteen years of age, is of good 6130
moral character, and is qualified physically and otherwise for 6131
such position. Each driver shall have an annual physical 6132
examination which conforms to the state highway patrol rules, 6133
ascertaining the driver's physical fitness for such employment. 6134
The examination shall be performed by one of the following: 6135

(1) A person licensed under Chapter 4731. or 4734. of the 6136

Revised Code or by another state to practice medicine and surgery,	6137
osteopathic medicine and surgery, or chiropractic;	6138
(2) A physician assistant;	6139
(3) A certified nurse practitioner;	6140
(4) A clinical nurse specialist;	6141
(5) A certified nurse-midwife;	6142
(6) A medical examiner who is listed on the national registry	6143
of certified medical examiners established by the federal motor	6144
carrier safety administration in accordance with 49 C.F.R. part	6145
390.	6146
Any written documentation of the physical examination shall	6147
be completed by the individual who performed the examination.	6148
Any certificate may be revoked by the authority granting the	6149
same on proof that the holder has been guilty of failing to comply	6150
with division (D)(2) of this section.	6151
(C) Any person who drives a school bus or motor van must give	6152
satisfactory and sufficient bond except a driver who is an	6153
employee of a school district and who drives a bus or motor van	6154
owned by the school district.	6155
(D) No person employed as driver of a school bus or motor van	6156
under this section who is convicted of a traffic violation or who	6157
has had the person's commercial driver's license suspended shall	6158
drive a school bus or motor van until the person has filed a	6159
written notice of the conviction or suspension, as follows:	6160
(1) If the person is employed under division (A) of this	6161
section, the person shall file the notice with the superintendent,	6162
or a person designated by the superintendent, of the school	6163
district for which the person drives a school bus or motor van as	6164

an employee or drives a privately owned and operated school bus or motor van under contract. 6165
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor. 6167
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(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor. 6171
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(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record. 6175
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(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance. 6189
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(3) An owner of a school bus or motor van shall not permit 6194

any person to operate such a vehicle unless the person meets all 6195
 other requirements contained in rules adopted by the state board 6196
 of education prescribing qualifications of drivers of school buses 6197
 and other student transportation. 6198

(G) No superintendent of a school district, educational 6199
 service center, community school, or public or private employer 6200
 shall permit the operation of a vehicle used for pupil 6201
 transportation within this state by an individual unless both of 6202
 the following apply: 6203

(1) Information pertaining to that driver has been submitted 6204
 to the department of education, pursuant to procedures adopted by 6205
 that department. Information to be reported shall include the name 6206
 of the employer or school district, name of the driver, driver 6207
 license number, date of birth, date of hire, status of physical 6208
 evaluation, and status of training. 6209

(2) The most recent criminal records check required by 6210
 division (J) of this section has been completed and received by 6211
 the superintendent or public or private employer. 6212

(H) A person, school district, educational service center, 6213
 community school, nonpublic school, or other public or nonpublic 6214
 entity that owns a school bus or motor van, or that contracts with 6215
 another entity to operate a school bus or motor van, may impose 6216
 more stringent restrictions on drivers than those prescribed in 6217
 this section, in any other section of the Revised Code, and in 6218
 rules adopted by the state board. 6219

(I) For qualified drivers who, on July 1, 2007, are employed 6220
 by the owner of a school bus or motor van to drive the school bus 6221
 or motor van, any instance in which the driver was convicted of or 6222
 pleaded guilty to a violation of section 4511.19 of the Revised 6223
 Code or a substantially equivalent municipal ordinance prior to 6224

two years prior to July 1, 2007, shall not be considered a 6225
disqualifying event with respect to division (F) of this section. 6226

(J)(1) This division applies to persons hired by a school 6227
district, educational service center, community school, chartered 6228
nonpublic school, accredited nonpublic school as described in 6229
section 3301.165 of the Revised Code, or science, technology, 6230
engineering, and mathematics school established under Chapter 6231
3326. of the Revised Code to operate a vehicle used for pupil 6232
transportation. 6233

For each person to whom this division applies who is hired on 6234
or after November 14, 2007, the employer shall request a criminal 6235
records check in accordance with section 3319.39 of the Revised 6236
Code and every six years thereafter. For each person to whom this 6237
division applies who is hired prior to that date, the employer 6238
shall request a criminal records check by a date prescribed by the 6239
department of education and every six years thereafter. 6240

(2) This division applies to persons hired by a public or 6241
private employer not described in division (J)(1) of this section 6242
to operate a vehicle used for pupil transportation. 6243

For each person to whom this division applies who is hired on 6244
or after November 14, 2007, the employer shall request a criminal 6245
records check prior to the person's hiring and every six years 6246
thereafter. For each person to whom this division applies who is 6247
hired prior to that date, the employer shall request a criminal 6248
records check by a date prescribed by the department and every six 6249
years thereafter. 6250

(3) Each request for a criminal records check under division 6251
(J) of this section shall be made to the superintendent of the 6252
bureau of criminal identification and investigation in the manner 6253
prescribed in section 3319.39 of the Revised Code, except that if 6254

both of the following conditions apply to the person subject to
the records check, the employer shall request the superintendent
only to obtain any criminal records that the federal bureau of
investigation has on the person:

(a) The employer previously requested the superintendent to
determine whether the bureau of criminal identification and
investigation has any information, gathered pursuant to division
(A) of section 109.57 of the Revised Code, on the person in
conjunction with a criminal records check requested under section
3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a
resident of this state for the five-year period immediately prior
to the date upon which the person becomes subject to a criminal
records check under this section.

Upon receipt of a request, the superintendent shall conduct
the criminal records check in accordance with section 109.572 of
the Revised Code as if the request had been made under section
3319.39 of the Revised Code. However, as specified in division
(B)(2) of section 109.572 of the Revised Code, if the employer
requests the superintendent only to obtain any criminal records
that the federal bureau of investigation has on the person for
whom the request is made, the superintendent shall not conduct the
review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule
3301-83-23 of the Ohio Administrative Code required by the second
paragraph of division (E) of section 3319.39 of the Revised Code,
any person who is the subject of a criminal records check under
division (J) of this section and has been convicted of or pleaded
guilty to any offense described in division (B)(1) of section
3319.39 of the Revised Code shall not be hired or shall be

released from employment, as applicable, unless the person meets 6285
 the rehabilitation standards prescribed for nonlicensed school 6286
 personnel by rule 3301-20-03 of the Ohio Administrative Code. 6287

(2) Beginning on the effective date of the amendments to rule 6288
 3301-83-23 of the Ohio Administrative Code required by the second 6289
 paragraph of division (E) of section 3319.39 of the Revised Code, 6290
 any person who is the subject of a criminal records check under 6291
 division (J) of this section and has been convicted of or pleaded 6292
 guilty to any offense that, under the rule, disqualifies a person 6293
 for employment to operate a vehicle used for pupil transportation 6294
 shall not be hired or shall be released from employment, as 6295
 applicable, unless the person meets the rehabilitation standards 6296
 prescribed by the rule. 6297

Sec. 3365.01. As used in this chapter: 6298

(A) "Articulated credit" means post-secondary credit that is 6299
 reflected on the official record of a student at an institution of 6300
 higher education only upon enrollment at that institution after 6301
 graduation from a secondary school. 6302

(B) "Default ceiling amount" means one of the following 6303
 amounts, whichever is applicable: 6304

(1) For a participant enrolled in a college operating on a 6305
 semester schedule, the amount calculated according to the 6306
 following formula: 6307

((0.83 X formula amount) / 30) 6308

X number of enrolled credit hours 6309

(2) For a participant enrolled in a college operating on a 6310
 quarter schedule, the amount calculated according to the following 6311
 formula: 6312

((0.83 X formula amount) / 45) 6313

X number of enrolled credit hours	6314
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	6315 6316
(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.	6317 6318 6319 6320
(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.	6321 6322 6323
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	6324 6325
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	6326 6327 6328 6329 6330 6331
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	6332 6333 6334 6335
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	6336 6337
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	6338 6339 6340
((formula amount / 30)	6341
X number of enrolled credit hours)	6342

(2) For a participant enrolled in a college operating on a
 quarter schedule, the amount calculated according to the following
 formula:

$$\frac{\text{((formula amount / 45)}}{\text{X number of enrolled credit hours)}$$

(J) "Nonpublic secondary school" means a chartered school for
 which minimum standards are prescribed by the state board of
 education pursuant to division (D) of section 3301.07 of the
 Revised Code or an accredited nonpublic school as described in
section 3301.165 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of
 credit hours for a course in which a participant is enrolled
 during the previous term after the date on which a withdrawal from
 a course would have negatively affected the participant's
 transcribed grade, as prescribed by the college's established
 withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of
 the Revised Code.

(M) "Participant" means any student enrolled in a college
 under the program established by this chapter.

(N) "Partnering college" means a college with which a public
 or nonpublic secondary school has entered into an agreement in
 order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic
 secondary school with which a college has entered into an
 agreement in order to offer the program established by this
 chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of

authorization pursuant to Chapter 1713. of the Revised Code; 6372

(2) An institution holding a certificate of registration from 6373
the state board of career colleges and schools and program 6374
authorization for an associate or bachelor's degree program issued 6375
under section 3332.05 of the Revised Code; 6376

(3) A private institution exempt from regulation under 6377
Chapter 3332. of the Revised Code as prescribed in section 6378
3333.046 of the Revised Code. 6379

(Q) "Public college" means a "state institution of higher 6380
education" in section 3345.011 of the Revised Code, excluding the 6381
northeast Ohio medical university. 6382

(R) "Public secondary school" means a school serving grades 6383
nine through twelve in a city, local, or exempted village school 6384
district, a joint vocational school district, a community school 6385
established under Chapter 3314., a STEM school established under 6386
Chapter 3326., or a college-preparatory boarding school 6387
established under Chapter 3328. of the Revised Code. 6388

(S) "School year" has the same meaning as in section 3313.62 6389
of the Revised Code. 6390

(T) "Secondary grade" means any of grades nine through 6391
twelve. 6392

(U) "Standard rate" means the amount per credit hour assessed 6393
by the college for an in-state student who is enrolled in an 6394
undergraduate course at that college, but who is not participating 6395
in the college credit plus program, as prescribed by the college's 6396
established tuition policy. 6397

(V) "Transcribed credit" means post-secondary credit that is 6398
conferred by an institution of higher education and is reflected 6399
on a student's official record at that institution upon completion 6400

of a course. 6401

Sec. 3365.02. (A) There is hereby established the college 6402
 credit plus program under which, beginning with the 2015-2016 6403
 school year, a secondary grade student who is a resident of this 6404
 state may enroll at a college, on a full- or part-time basis, and 6405
 complete nonsectarian, nonremedial courses for high school and 6406
 college credit. The program shall govern arrangements in which a 6407
 secondary grade student enrolls in a college and, upon successful 6408
 completion of coursework taken under the program, receives 6409
 transcribed credit from the college. The following are not 6410
 governed by the college credit plus program: 6411

(1) An agreement governing an early college high school 6412
 program, provided the program meets the definition set forth in 6413
 division (F)(2) of section 3313.6013 of the Revised Code and is 6414
 approved by the superintendent of public instruction and the 6415
 chancellor of higher education; 6416

(2) An advanced placement course or international 6417
 baccalaureate diploma course, as described in divisions (A)(2) and 6418
 (3) of section 3313.6013 of the Revised Code; 6419

(3) A career-technical education program that is approved by 6420
 the department of education under section 3317.161 of the Revised 6421
 Code and grants articulated credit to students participating in 6422
 that program. However, any portion of an approved program that 6423
 results in the conferral of transcribed credit upon the 6424
 completion of the course shall be governed by the college credit 6425
 plus program. 6426

(B) Any student enrolled in a public or nonpublic secondary 6427
 school in the student's ninth, tenth, eleventh, or twelfth grade; 6428
 any student enrolled in a nonchartered nonpublic secondary school 6429

in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If an accredited nonpublic school, as described in section 3301.165 of the Revised Code, chooses not to participate in the program and notifies the parents of each student at the time of the student's enrollment or re-enrollment of that choice, the school shall not be subject to the requirements of this chapter or to any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program.

Sec. 3701.133. (A) The department of health shall make available on its web site information about the risks associated

with meningococcal meningitis and hepatitis B, the availability of 6459
vaccines, and the effectiveness of the vaccines. The department 6460
shall provide written notice of the availability of meningococcal 6461
meningitis and hepatitis B information on the web site to all of 6462
the following: 6463

(1) Each city, local, exempted village, or joint vocational 6464
school district, as defined in Chapter 3311. of the Revised Code; 6465

(2) Each nonpublic school, whether chartered, accredited as 6466
described in section 3301.165 of the Revised Code, nonchartered, 6467
or nontax supported, that enrolls students in ninth grade or the 6468
equivalent educational level; 6469

(3) Each community school created under section 3314.01 of 6470
the Revised Code, that enrolls students in ninth grade or the 6471
equivalent educational level; 6472

(4) Each state institution of higher education, as defined in 6473
section 3345.011 of the Revised Code; 6474

(5) Each nonprofit institution of higher education, as 6475
defined in section 1713.55 of the Revised Code; 6476

(6) Each private career school, as defined in section 3332.01 6477
of the Revised Code. 6478

(B) In addition to the information provided for in division 6479
(A) of this section, the department of health shall make available 6480
on its web site, in a format suitable for downloading, a 6481
meningitis and hepatitis B vaccination status statement form for a 6482
student or, if the student is younger than eighteen years of age, 6483
the student's parent, to complete to disclose whether the student 6484
has been vaccinated against meningococcal meningitis and hepatitis 6485
B. The form shall include all of the following: 6486

(1) The information described in division (A) of this section 6487

and a means for the student or the student's parent to acknowledge	6488
having received and read the information;	6489
(2) A space for the student or the student's parent to	6490
indicate one of the following:	6491
(a) The student has been vaccinated against meningococcal	6492
meningitis, and the year the vaccination was given.	6493
(b) The student has not been vaccinated against meningococcal	6494
meningitis.	6495
(3) A space for the student or the student's parent to	6496
indicate one of the following:	6497
(a) The student has been vaccinated against hepatitis B, and	6498
the year the vaccination was given.	6499
(b) The student has not been vaccinated against hepatitis B.	6500
Sec. 3781.106. (A) The board of building standards shall	6501
adopt rules, in accordance with Chapter 119. of the Revised Code,	6502
for the use of a device by a staff member of a public or private	6503
school or institution of higher education that prevents both	6504
ingress and egress through a door in a school building, for a	6505
finite period of time, in an emergency situation, and during	6506
active shooter drills. The rules shall provide that the use of a	6507
device is permissible only if the device requires minimal steps to	6508
remove it after it is engaged.	6509
The rules shall provide that the administrative authority of	6510
a building notify the police chief, or equivalent, of the law	6511
enforcement agency that has jurisdiction over the building, and	6512
the fire chief, or equivalent, of the fire department that serves	6513
the political subdivision in which the building is located, prior	6514
to the use of such devices in a building.	6515

The rules may require that the device be visible from the exterior of the door. 6516
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(B) The device described in division (A) of this section shall not be permanently mounted to the door. 6518
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(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. The school shall maintain a record verifying this training on file. 6520
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(D) In consultation with the state board of education and the chancellor of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings. 6525
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(E) As used in this section: 6529

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 6530
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(2) "Private school" means a chartered nonpublic school, an accredited nonpublic school as described in section 3301.165 of the Revised Code, or a nonchartered nonpublic school. 6539
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(3) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school 6542
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established under Chapter 3326. of the Revised Code, and any 6545
college-preparatory boarding school established under Chapter 6546
3328. of the Revised Code. 6547

(4) "School building" means a structure used for the 6548
instruction of students by a public or private school or 6549
institution of higher education. 6550

Sec. 3781.11. (A) The rules of the board of building 6551
standards shall: 6552

(1) For nonresidential buildings, provide uniform minimum 6553
standards and requirements, and for residential buildings, provide 6554
standards and requirements that are uniform throughout the state, 6555
for construction and construction materials, including 6556
construction of industrialized units, to make residential and 6557
nonresidential buildings safe and sanitary as defined in section 6558
3781.06 of the Revised Code; 6559

(2) Formulate such standards and requirements, so far as may 6560
be practicable, in terms of performance objectives, so as to make 6561
adequate performance for the use intended the test of 6562
acceptability; 6563

(3) Permit, to the fullest extent feasible, the use of 6564
materials and technical methods, devices, and improvements, 6565
including the use of industrialized units which tend to reduce the 6566
cost of construction and erection without affecting minimum 6567
requirements for the health, safety, and security of the occupants 6568
or users of buildings or industrialized units and without 6569
preferential treatment of types or classes of materials or 6570
products or methods of construction; 6571

(4) Encourage, so far as may be practicable, the 6572
standardization of construction practices, methods, equipment, 6573

material, and techniques, including methods employed to produce industrialized units; 6574
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(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: 6576
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(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building. 6582
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(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code. 6585
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(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. 6587
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(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: 6590
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(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code. 6593
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(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. 6595
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(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 fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with 6598
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the rules of the board, except that rules adopted and orders 6603
 issued by the state fire marshal pursuant to Chapter 3743. of the 6604
 Revised Code prevail in the event of a conflict. 6605

(C) The construction, alteration, erection, and repair of 6606
 buildings including industrialized units, and the materials and 6607
 devices of any kind used in connection with them and the heating 6608
 and ventilating of them and the plumbing and electric wiring in 6609
 them shall conform to the statutes of this state or the rules 6610
 adopted and promulgated by the board, and to provisions of local 6611
 ordinances not inconsistent therewith. Any building, structure, or 6612
 part thereof, constructed, erected, altered, manufactured, or 6613
 repaired not in accordance with the statutes of this state or with 6614
 the rules of the board, and any building, structure, or part 6615
 thereof in which there is installed, altered, or repaired any 6616
 fixture, device, and material, or plumbing, heating, or 6617
 ventilating system, or electric wiring not in accordance with such 6618
 statutes or rules is a public nuisance. 6619

(D) As used in this section: 6620

(1) "Nonpublic school" means a chartered school for which 6621
 minimum standards are prescribed by the state board of education 6622
 pursuant to division (D) of section 3301.07 of the Revised Code or 6623
an accredited nonpublic school described in section 3301.165 of 6624
the Revised Code. 6625

(2) "Workshop or factory" includes manufacturing, mechanical, 6626
 electrical, mercantile, art, and laundering establishments, 6627
 printing, telegraph, and telephone offices, railroad depots, and 6628
 memorial buildings, but does not include hotels and tenement and 6629
 apartment houses. 6630

Sec. 4729.513. A manufacturer of dangerous drugs may donate 6631

inhalers, as defined in section 3313.7113 of the Revised Code, and 6632
epinephrine autoinjectors to any of the following: 6633

(A) The board of education of a city, local, exempted 6634
village, or joint vocational school district; 6635

(B) A community school established under Chapter 3314. of the 6636
Revised Code; 6637

(C) A STEM school established under Chapter 3326. of the 6638
Revised Code; 6639

(D) A college-preparatory boarding school established under 6640
Chapter 3328. of the Revised Code; 6641

(E) A chartered, accredited, or nonchartered nonpublic 6642
school. As used in this section, "accredited nonpublic school" 6643
means an accredited nonpublic school as described in section 6644
3301.165 of the Revised Code. 6645

Sec. 4729.541. (A) Except as provided in divisions (B) to (D) 6646
of this section, all of the following are exempt from licensure as 6647
a terminal distributor of dangerous drugs: 6648

(1) A licensed health professional authorized to prescribe 6649
drugs; 6650

(2) A business entity that is a corporation formed under 6651
division (B) of section 1701.03 of the Revised Code, a limited 6652
liability company formed under Chapter 1705. of the Revised Code, 6653
or a professional association formed under Chapter 1785. of the 6654
Revised Code if the entity has a sole shareholder who is a 6655
prescriber and is authorized to provide the professional services 6656
being offered by the entity; 6657

(3) A business entity that is a corporation formed under 6658

division (B) of section 1701.03 of the Revised Code, a limited
 liability company formed under Chapter 1705. of the Revised Code,
 a partnership or a limited liability partnership formed under
 Chapter 1775. of the Revised Code, or a professional association
 formed under Chapter 1785. of the Revised Code, if, to be a
 shareholder, member, or partner, an individual is required to be
 licensed, certified, or otherwise legally authorized under Title
 XLVII of the Revised Code to perform the professional service
 provided by the entity and each such individual is a prescriber;

(4) An individual who holds a current license, certificate,
 or registration issued under Title XLVII of the Revised Code and
 has been certified to conduct diabetes education by a national
 certifying body specified in rules adopted by the state board of
 pharmacy under section 4729.68 of the Revised Code, but only with
 respect to insulin that will be used for the purpose of diabetes
 education and only if diabetes education is within the
 individual's scope of practice under statutes and rules regulating
 the individual's profession;

(5) An individual who holds a valid certificate issued by a
 nationally recognized S.C.U.B.A. diving certifying organization
 approved by the state board of pharmacy under rules adopted by the
 board, but only with respect to medical oxygen that will be used
 for the purpose of emergency care or treatment at the scene of a
 diving emergency;

(6) With respect to epinephrine autoinjectors that may be
 possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28,
 or 3328.29 of the Revised Code, any of the following: the board of
 education of a city, local, exempted village, or joint vocational
 school district; a chartered, accredited, or nonchartered
 nonpublic school; a community school established under Chapter

3314. of the Revised Code; a STEM school established under Chapter 6689
 3326. of the Revised Code; or a college-preparatory boarding 6690
 school established under Chapter 3328. of the Revised Code; As 6691
used in this section, "accredited nonpublic school" means an 6692
accredited nonpublic school as described in section 3301.165 of 6693
the Revised Code. 6694

(7) With respect to epinephrine autoinjectors that may be 6695
 possessed under section 5101.76 of the Revised Code, any of the 6696
 following: a residential camp, as defined in section 2151.011 of 6697
 the Revised Code; a child day camp, as defined in section 5104.01 6698
 of the Revised Code; or a child day camp operated by any county, 6699
 township, municipal corporation, township park district created 6700
 under section 511.18 of the Revised Code, park district created 6701
 under section 1545.04 of the Revised Code, or joint recreation 6702
 district established under section 755.14 of the Revised Code; 6703

(8) With respect to epinephrine autoinjectors that may be 6704
 possessed under Chapter 3728. of the Revised Code, a qualified 6705
 entity, as defined in section 3728.01 of the Revised Code; 6706

(9) With respect to inhalers that may be possessed under 6707
 section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 6708
 Revised Code, any of the following: the board of education of a 6709
 city, local, exempted village, or joint vocational school 6710
 district; a chartered, accredited, or nonchartered nonpublic 6711
 school; a community school established under Chapter 3314. of the 6712
 Revised Code; a STEM school established under Chapter 3326. of the 6713
 Revised Code; or a college-preparatory boarding school established 6714
 under Chapter 3328. of the Revised Code; 6715

(10) With respect to inhalers that may be possessed under 6716
 section 5101.77 of the Revised Code, any of the following: a 6717
 residential camp, as defined in section 2151.011 of the Revised 6718

Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section;

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification.

(D) Any of the persons described in divisions (A)(1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of,

and distribute any of the following:	6748
(1) Dangerous drugs that are compounded or used for the purpose of compounding;	6749 6750
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.	6751 6752
Sec. 5104.01. As used in this chapter:	6753
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.	6754 6755 6756
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	6757 6758
(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	6759 6760 6761 6762
(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	6763 6764 6765
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	6766 6767 6768
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	6769 6770 6771
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose	6772 6773 6774

presence in the home is needed as the caretaker of the child, a 6775
guardian of a child whose presence in the home is needed as the 6776
caretaker of the child, and any other person who stands in loco 6777
parentis with respect to the child and whose presence in the home 6778
is needed as the caretaker of the child. 6779

(F)(1) "Chartered nonpublic school" means a school that meets 6780
standards for nonpublic schools prescribed by the state board of 6781
education for nonpublic schools pursuant to section 3301.07 of the 6782
Revised Code. 6783

(2) "Accredited nonpublic school" means an accredited 6784
nonpublic school as described in section 3301.165 of the Revised 6785
Code. 6786

(G) "Child" includes an infant, toddler, preschool-age child, 6787
or school-age child. 6788

(H) "Child care block grant act" means the "Child Care and 6789
Development Block Grant Act of 1990," established in section 5082 6790
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 6791
1388-236 (1990), 42 U.S.C. 9858, as amended. 6792

(I) "Child day camp" means a program in which only school-age 6793
children attend or participate, that operates for no more than 6794
seven hours per day, that operates only during one or more public 6795
school district's regular vacation periods or for no more than 6796
fifteen weeks during the summer, and that operates outdoor 6797
activities for each child who attends or participates in the 6798
program for a minimum of fifty per cent of each day that children 6799
attend or participate in the program, except for any day when 6800
hazardous weather conditions prevent the program from operating 6801
outdoor activities for a minimum of fifty per cent of that day. 6802
For purposes of this division, the maximum seven hours of 6803
operation time does not include transportation time from a child's 6804

home to a child day camp and from a child day camp to a child's home. 6805
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(J) "Child care" means all of the following: 6807

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours; 6808
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(2) By persons other than their parents, guardians, or custodians; 6811
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(3) For any part of the twenty-four-hour day; 6813

(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. 6814
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(K) "Child day-care center" and "center" mean any place in which child care or publicly funded child care is provided for thirteen or more children at one time or 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 to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day-care center" and "center" do not include any of the following: 6816
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(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are 6826
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exhibiting symptoms of a communicable disease or other illness or	6834
are injured;	6835
(2) A child day camp;	6836
(3) A place that provides child care, but not publicly funded	6837
child care, if all of the following apply:	6838
(a) An organized religious body provides the child care;	6839
(b) A parent, custodian, or guardian of at least one child	6840
receiving child care is on the premises and readily accessible at	6841
all times;	6842
(c) The child care is not provided for more than thirty days	6843
a year;	6844
(d) The child care is provided only for preschool-age and	6845
school-age children.	6846
(L) "Child care resource and referral service organization"	6847
means a community-based nonprofit organization that provides child	6848
care resource and referral services but not child care.	6849
(M) "Child care resource and referral services" means all of	6850
the following services:	6851
(1) Maintenance of a uniform data base of all child care	6852
providers in the community that are in compliance with this	6853
chapter, including current occupancy and vacancy data;	6854
(2) Provision of individualized consumer education to	6855
families seeking child care;	6856
(3) Provision of timely referrals of available child care	6857
providers to families seeking child care;	6858
(4) Recruitment of child care providers;	6859
(5) Assistance in the development, conduct, and dissemination	6860

of training for child care providers and provision of technical	6861
assistance to current and potential child care providers,	6862
employers, and the community;	6863
(6) Collection and analysis of data on the supply of and	6864
demand for child care in the community;	6865
(7) Technical assistance concerning locally, state, and	6866
federally funded child care and early childhood education	6867
programs;	6868
(8) Stimulation of employer involvement in making child care	6869
more affordable, more available, safer, and of higher quality for	6870
their employees and for the community;	6871
(9) Provision of written educational materials to caretaker	6872
parents and informational resources to child care providers;	6873
(10) Coordination of services among child care resource and	6874
referral service organizations to assist in developing and	6875
maintaining a statewide system of child care resource and referral	6876
services if required by the department of job and family services;	6877
(11) Cooperation with the county department of job and family	6878
services in encouraging the establishment of parent cooperative	6879
child care centers and parent cooperative type A family day-care	6880
homes.	6881
(N) "Child-care staff member" means an employee of a child	6882
day-care center or type A family day-care home who is primarily	6883
responsible for the care and supervision of children. The	6884
administrator may be a part-time child-care staff member when not	6885
involved in other duties.	6886
(O) "Drop-in child day-care center," "drop-in center,"	6887
"drop-in type A family day-care home," and "drop-in type A home"	6888
mean a center or type A home that provides child care or publicly	6889

funded child care for children on a temporary, irregular basis.	6890
(P) "Employee" means a person who either:	6891
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	6892
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	6894
(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	6896
(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	6897
(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	6898
(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	6899
(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing	6900
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- requirements. 6919
- (V) "Infant" means a child who is less than eighteen months 6920
of age. 6921
- (W) "In-home aide" means a person who does not reside with 6922
the child but provides care in the child's home and is certified 6923
by a county director of job and family services pursuant to 6924
section 5104.12 of the Revised Code to provide publicly funded 6925
child care to a child in a child's own home pursuant to this 6926
chapter and any rules adopted under it. 6927
- (X) "Instrument-based program monitoring information system" 6928
means a method to assess compliance with licensing requirements 6929
for child day-care centers, type A family day-care homes, and 6930
licensed type B family day-care homes in which each licensing 6931
requirement is assigned a weight indicative of the relative 6932
importance of the requirement to the health, growth, and safety of 6933
the children that is used to develop an indicator checklist. 6934
- (Y) "License capacity" means the maximum number in each age 6935
category of children who may be cared for in a child day-care 6936
center or type A family day-care home at one time as determined by 6937
the director of job and family services considering building 6938
occupancy limits established by the department of commerce, amount 6939
of available indoor floor space and outdoor play space, and amount 6940
of available play equipment, materials, and supplies. For the 6941
purposes of a provisional license issued under this chapter, the 6942
director shall also consider the number of available child-care 6943
staff members when determining "license capacity" for the 6944
provisional license. 6945
- (Z) "Licensed child care program" means any of the following: 6946
- (1) A child day-care center licensed by the department of job 6947

and family services pursuant to this chapter;	6948
(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;	6949 6950 6951
(3) A licensed preschool program or licensed school child program.	6952 6953
(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.	6954 6955 6956 6957 6958
(BB) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.	6959 6960 6961 6962
(CC) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.	6963 6964 6965 6966 6967
(DD) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.	6968 6969
(EE) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.	6970 6971
(FF) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without	6972 6973 6974 6975 6976

gain to the corporation or association as an entity, in which the 6977
 services of the corporation or association are provided only to 6978
 children of the members of the corporation or association, 6979
 ownership and control of the corporation or association rests 6980
 solely with the members of the corporation or association, and at 6981
 least one parent-member of the corporation or association is on 6982
 the premises of the center or type A home during its hours of 6983
 operation. 6984

(GG) "Part-time child day-care center," "part-time center," 6985
 "part-time type A family day-care home," and "part-time type A 6986
 home" mean a center or type A home that provides child care or 6987
 publicly funded child care for not more than four hours a day for 6988
 any child or not more than fifteen consecutive weeks per year, 6989
 regardless of the number of hours per day. 6990

(HH) "Place of worship" means a building where activities of 6991
 an organized religious group are conducted and includes the 6992
 grounds and any other buildings on the grounds used for such 6993
 activities. 6994

(II) "Preschool-age child" means a child who is three years 6995
 old or older but is not a school-age child. 6996

(JJ) "Protective child care" means publicly funded child care 6997
 for the direct care and protection of a child to whom either of 6998
 the following applies: 6999

(1) A case plan prepared and maintained for the child 7000
 pursuant to section 2151.412 of the Revised Code indicates a need 7001
 for protective care and the child resides with a parent, 7002
 stepparent, guardian, or another person who stands in loco 7003
 parentis as defined in rules adopted under section 5104.38 of the 7004
 Revised Code; 7005

(2) The child and the child's caretaker either temporarily
reside in a facility providing emergency shelter for homeless
families or are determined by the county department of job and
family services to be homeless, and are otherwise ineligible for
publicly funded child care.

(KK) "Publicly funded child care" means administering to the
needs of infants, toddlers, preschool-age children, and school-age
children under age thirteen during any part of the
twenty-four-hour day by persons other than their caretaker parents
for remuneration wholly or in part with federal or state funds,
including funds available under the child care block grant act,
Title IV-A, and Title XX, distributed by the department of job and
family services.

(LL) "Religious activities" means any of the following:
worship or other religious services; religious instruction; Sunday
school classes or other religious classes conducted during or
prior to worship or other religious services; youth or adult
fellowship activities; choir or other musical group practices or
programs; meals; festivals; or meetings conducted by an organized
religious group.

(MM) "School-age 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.

(NN) "School-age child care center" and "school-age child
type A home" mean a center or type A home that provides child care
for school-age children only and that does either or both of the
following:

(1) Operates only during that part of the day that
immediately precedes or follows the public school day of the
school district in which the center or type A home is located;

(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance. 7036
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(OO) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable. 7039
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(PP) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code. 7042
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(QQ) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 7045
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(RR) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 7047
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(SS) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 7049
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(TT) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 7051
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(UU) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more 7062
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than three children are under two years of age at one time. In 7065
 counting children for the purposes of this division, any children 7066
 under six years of age who are related to the provider and who are 7067
 on the premises of the type B home shall be counted. "Type B 7068
 family day-care home" and "type B home" do not include any child 7069
 day camp. 7070

Sec. 5104.02. (A) The director of job and family services is 7071
 responsible for the licensing of child day-care centers and type A 7072
 family day-care homes. Each entity operating a head start program 7073
 shall meet the criteria for, and be licensed as, a child day-care 7074
 center. The director is responsible for the enforcement of this 7075
 chapter and of rules promulgated pursuant to this chapter. 7076

No person, firm, organization, institution, or agency shall 7077
 operate, establish, manage, conduct, or maintain a child day-care 7078
 center or type A family day-care home without a license issued 7079
 under section 5104.03 of the Revised Code. The current license 7080
 shall be posted in a conspicuous place in the center or type A 7081
 home that is accessible to parents, custodians, or guardians and 7082
 employees of the center or type A home at all times when the 7083
 center or type A home is in operation. 7084

(B) A person, firm, institution, organization, or agency 7085
 operating any of the following programs is exempt from the 7086
 requirements of this chapter: 7087

(1) A program of child care that operates for two or less 7088
 consecutive weeks; 7089

(2) Child care in places of worship during religious 7090
 activities during which children are cared for while at least one 7091
 parent, guardian, or custodian of each child is participating in 7092
 such activities and is readily available; 7093

(3) Religious activities which do not provide child care;	7094
(4) Supervised training, instruction, or activities of	7095
children in specific areas, including, but not limited to: art;	7096
drama; dance; music; gymnastics, swimming, or another athletic	7097
skill or sport; computers; or an educational subject conducted on	7098
an organized or periodic basis no more than one day a week and for	7099
no more than six hours duration;	7100
(5) Programs in which the director determines that at least	7101
one parent, custodian, or guardian of each child is on the	7102
premises of the facility offering child care and is readily	7103
accessible at all times, except that child care provided on the	7104
premises at which a parent, custodian, or guardian is employed	7105
more than two and one-half hours a day shall be licensed in	7106
accordance with division (A) of this section;	7107
(6)(a) Programs that provide child care funded and regulated	7108
or operated and regulated by state departments other than the	7109
department of job and family services or the state board of	7110
education when the director of job and family services has	7111
determined that the rules governing the program are equivalent to	7112
or exceed the rules promulgated pursuant to this chapter.	7113
Notwithstanding any exemption from regulation under this	7114
chapter, each state department shall submit to the director of job	7115
and family services a copy of the rules that govern programs that	7116
provide child care and are regulated or operated and regulated by	7117
the department. Annually, each state department shall submit to	7118
the director a report for each such program it regulates or	7119
operates and regulates that includes the following information:	7120
(i) The site location of the program;	7121
(ii) The maximum number of infants, toddlers, preschool-age	7122

children, or school-age children served by the program at one	7123
time;	7124
(iii) The number of adults providing child care for the	7125
number of infants, toddlers, preschool-age children, or school-age	7126
children;	7127
(iv) Any changes in the rules made subsequent to the time	7128
when the rules were initially submitted to the director.	7129
The director shall maintain a record of the child care	7130
information submitted by other state departments and shall provide	7131
this information upon request to the general assembly or the	7132
public.	7133
(b) Child care programs conducted by boards of education or	7134
by chartered <u>or accredited</u> nonpublic schools that are conducted in	7135
school buildings and that provide child care to school-age	7136
children only shall be exempt from meeting or exceeding rules	7137
promulgated pursuant to this chapter.	7138
(7) Any preschool program or school child program, except a	7139
head start program, that is subject to licensure by the department	7140
of education under sections 3301.52 to 3301.59 of the Revised	7141
Code.	7142
(8) Any program providing child care that meets all of the	7143
following requirements and, on October 20, 1987, was being	7144
operated by a nonpublic school that holds a charter issued by the	7145
state board of education for kindergarten only <u>or an accredited</u>	7146
<u>nonpublic school</u> :	7147
(a) The nonpublic school has given the notice to the state	7148
board and the director of job and family services required by	7149
Section 4 of Substitute House Bill No. 253 of the 117th general	7150
assembly;	7151

- (b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school;
- (c) The program is conducted in a school building;
- (d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code.
- (9) A youth development program operated outside of school hours by a community-based center to which all of the following apply:
- (a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.
- (b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.
- (c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.
- (d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code.
- (e) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(10) A preschool program operated by a nonchartered,
nontax-supported school if the preschool program meets all of the
following conditions:

(a) The program complies with state and local health, fire,
and safety laws.

(b) The program annually certifies in a report to the parents
of its pupils that the school is in compliance with division
(B)(10)(a) of this section and files a copy of the report with the
department of job and family services on or before the thirtieth
day of September of each year.

(c) The program complies with all applicable reporting
requirements in the same manner as required by the state board of
education for nonchartered, nonpublic primary and secondary
schools.

(d) The program is associated with a nonchartered,
nontax-supported primary or secondary school.

Sec. 5139.18. (A) Except with respect to children who are
granted a judicial release to court supervision pursuant to
division (B) or (D) of section 2152.22 of the Revised Code, the
department of youth services is responsible for locating homes or
jobs for children released from its institutions, for supervision
of children released from its institutions, and for providing or
arranging for the provision to those children of appropriate
services that are required to facilitate their satisfactory
community adjustment. Regional administrators through their staff
of parole officers shall supervise children paroled or released to
community supervision in a manner that insures as nearly as
possible the children's rehabilitation and that provides maximum
protection to the general public.

(B) The department of youth services shall exercise general supervision over all children who have been released on placement from any of its institutions other than children who are granted a judicial release to court supervision pursuant to division (B) or (D) of section 2152.22 of the Revised Code. The director of youth services, with the consent and approval of the board of county commissioners of any county, may contract with the public children services agency of that county, the department of probation of that county established pursuant to section 2301.27 of the Revised Code, or the probation department or service established pursuant to sections 2151.01 to 2151.54 of the Revised Code for the provision of direct supervision and control over and the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions, or, with the consent of the juvenile judge or the administrative judge of the juvenile court of any county, contract with any other public agency, institution, or organization that is qualified to provide the care and supervision that is required under the terms and conditions of the child's treatment plan for the provision of direct supervision and control over and the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions.

(C) A juvenile parole officer shall furnish to a child placed on community control under the parole officer's supervision a statement of the conditions of parole and shall instruct the child regarding them. The parole officer shall keep informed concerning the conduct and condition of a child under the parole officer's supervision and shall report on the child's conduct to the judge as the judge directs. A parole officer shall use all suitable methods to aid a child on community control and to improve the child's conduct and condition. A parole officer shall keep full

and accurate records of work done for children under the parole officer's supervision. 7240
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(D) In accordance with division (D) of section 2151.14 of the Revised Code, a court may issue an order requiring boards of education, governing bodies of chartered and accredited nonpublic schools, public children services agencies, private child placing agencies, probation departments, law enforcement agencies, and prosecuting attorneys that have records related to the child in question to provide copies of one or more specified records, or specified information in one or more specified records, that the individual or entity has with respect to the child to the department of youth services when the department has custody of the child or is performing any services for the child that are required by the juvenile court or by statute, and the department requests the records in accordance with division (D)(3)(a) of section 2151.14 of the Revised Code. 7242
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As used in this division, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 7256
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(E) Whenever any placement official has reasonable cause to believe that any child released by a court pursuant to section 2152.22 of the Revised Code has violated the conditions of the child's placement, the official may request, in writing, from the committing court or transferee court a custodial order, and, upon reasonable and probable cause, the court may order any sheriff, deputy sheriff, constable, or police officer to apprehend the child. A child so apprehended may be confined in the detention facility of the county in which the child is apprehended until further order of the court. If a child who was released on supervised release by the release authority of the department of 7259
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youth services or a child who was granted a judicial release to 7270
 department of youth services supervision violates the conditions 7271
 of the supervised release or judicial release, section 5139.52 of 7272
 the Revised Code applies with respect to that child. 7273

Section 130.____. That existing sections 921.06, 955.43, 7274
 3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 7275
 3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 7276
 3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 7277
 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 7278
 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 7279
 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 7280
 3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 7281
 3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 7282
 3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 7283
 3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 7284
 and 5139.18 of the Revised Code are hereby repealed. 7285

Section 130.____. (A) The Speaker of the House of 7286
 Representatives and the President of the Senate shall appoint a 7287
 joint committee of the General Assembly to study the effects of 7288
 the creation of accredited nonpublic schools by this act. The 7289
 committee shall consist of the following six members: 7290

(1) The chairperson of the standing committee of the House of 7291
 Representatives principally responsible for primary and secondary 7292
 education policy; 7293

(2) The chairperson of the standing committee of the Senate 7294
 principally responsible for primary and secondary education 7295
 policy; 7296

(3) Two other members of the House of Representatives 7297

appointed by the Speaker, one of whom is from the majority party	7298
and one of whom is from the minority party;	7299
(4) Two other members of the Senate appointed by the	7300
President, one of whom is from the majority party and one of whom	7301
is from the minority party.	7302
(B) In completing the study required under this section, the	7303
committee shall compare data from accredited nonpublic schools	7304
before and after the effective date of this act. The committee	7305
also shall compare data of accredited schools to other public	7306
schools and private school associations, as available. The	7307
committee shall compare aggregate data on all of the following:	7308
(1) Remediation rates;	7309
(2) SAT and ACT test scores;	7310
(3) College acceptance and attendance rates;	7311
(4) Results of other standardized tests for lower grade	7312
levels.	7313
(C) Not later than two years after the effective date of this	7314
section, the committee shall submit a report to the General	7315
Assembly in accordance with section 101.68 of the Revised Code	7316
that includes recommendations on expanding the designation to	7317
chartered nonpublic schools not accredited by the Independent	7318
Schools Association of the Central States. The report also shall	7319
include criteria that should be used to qualify chartered	7320
nonpublic schools for such an expansion.	7321
Section 130.____. Nothing in this act shall be construed to	7322
give preference or heightened approval of a chartered nonpublic	7323
school accredited by the Independent Schools Association of the	7324
Central States over a chartered nonpublic school accredited by any	7325
other association or organization."	7326

The motion was _____ agreed to.

SYNOPSIS

Accredited chartered nonpublic schools	7327
R.C. 3301.165; conforming changes in 921.06, 955.43, 3301.07,	7328
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52,	7329
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05,	7330
3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539,	7331
3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718,	7332
3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86,	7333
3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13,	7334
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391,	7335
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032,	7336
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133,	7337
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and	7338
5139.18; Sections 130.___ and 130.___	7339
Restores the House provision that does all of the following:	7340
--Establishes a category of nonpublic schools called	7341
"accredited nonpublic schools" for nonpublic schools that are	7342
accredited by the Independent Schools Association of the Central	7343
States. These schools must comply with minimum education standards	7344
adopted by the State Board of Education, but prohibits the State	7345
Board from prescribing additional operating standards.	7346
--Specifically exempts such schools from the state minimum	7347
high school curriculum and chartering requirements.	7348
--Maintains current law exemptions from state achievement	7349
testing for nonscholarship high school students attending	7350

ISACS-accredited schools ("accredited nonpublic schools"), 7351
including an exemption for scholarship students attending such 7352
schools from the testing requirements, which also is included 7353
elsewhere in the bill. 7354

--Exempts such a school from the College Credit Plus Program 7355
as long as students and parents are notified at enrollment that 7356
the school does not participate, but if a student enrolls in the 7357
school under an Educational Choice Scholarship or Pilot Project 7358
(Cleveland) Scholarship, prohibits that student from being denied 7359
participation in the CCP Program solely due to the school's 7360
nonparticipation. 7361

--Requires a joint committee of the General Assembly 7362
appointed by the Speaker of the House of Representatives and the 7363
President of the Senate, not later than two years after the bill's 7364
effective date, to study the effects of the creation of accredited 7365
nonpublic schools. 7366