

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, JUNE 27, 2018

ONE HUNDRED NINETY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, June 27, 2018, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Mike Yoder, Grace Polaris Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

Senator LaRose recognized the Wooster wheelchair basketball team on winning the 2018 Ohio Interscholastic Wheelchair Basketball State Championship.

Senator Kunze recognized the Worthington Christian High School boys 4x800-meter relay team on securing the 2018 Division III State Track and Field Championship title.

Senator Manning recognized the Keystone High School softball team as the 2018 Division II State Championship.

Senator Eklund requested a moment of silence for fallen Mentor Police Officer Mathew Mazany.

Senator Peterson requested a moment of silence for fallen Paint Creek Fire District firefighter Joe Patterson.

Senator Yuko requested a moment of silence for nine year-old Saniyah Nicholson.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. B. No. 51**-Senators Skindell, Eklund, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: O'Brien, LaRose.

YES - 9: TROY BALDERSON, BILL BEAGLE, MATT DOLAN,  
JAY HOTTINGER, FRANK HOAGLAND, SEAN  
O'BRIEN, MICHAEL J. SKINDELL, SANDRA

WILLIAMS, FRANK LAROSE

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **H. B. No. 18**-Representatives Pelanda, Retherford, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, LaRose.

YES - 10: MICHAEL J. SKINDELL, JOSEPH SCHIAVONI, BOB D. HACKETT, KRIS JORDAN, BOB PETERSON, WILLIAM P. COLEY, II, EDNA BROWN, FRANK LAROSE, TROY BALDERSON, JOE UECKER

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Sub. H. B. No. 34**-Representatives Hambley, Ryan, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 10: MICHAEL J. SKINDELL, JOSEPH SCHIAVONI, MATT HUFFMAN, KRIS JORDAN, BOB PETERSON, WILLIAM P. COLEY, II, EDNA BROWN, FRANK LAROSE, TROY BALDERSON, JOE UECKER

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Sub. H. B. No. 312**-Representatives Schuring, Greenspan, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 10: MICHAEL J. SKINDELL, JOSEPH SCHIAVONI, MATT HUFFMAN, KRIS JORDAN, BOB PETERSON, WILLIAM P. COLEY, II, EDNA BROWN, FRANK LAROSE, TROY BALDERSON, JOE UECKER

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 255**-Senator McColley, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: MATT HUFFMAN, KRIS JORDAN, BOB PETERSON,  
WILLIAM P. COLEY, II, FRANK LAROSE, TROY  
BALDERSON, JOE UECKER

NO - 3: MICHAEL J. SKINDELL, JOSEPH SCHIAVONI, EDNA  
BROWN

Senator LaRose submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **H. C. R. No. 10**-Representatives Thompson, Greenspan, et al., having had the same under consideration, reports it back with the following amendments and recommends its adoption when so amended.

Co-Sponsor: LaRose.

YES - 10: STEPHANIE KUNZE, EDNA BROWN, MATT DOLAN,  
FRANK HOAGLAND, JAY HOTTINGER, JOSEPH  
SCHIAVONI, FRANK LAROSE, ROB MCCOLLEY, JOE  
UECKER, GAYLE MANNING

NO - 1: CHARLETA B. TAVARES

In line 67, after ";," insert "and

WHEREAS, The members of the General Assembly condemn all groups, including white nationalist, neo-Nazi, and national socialist groups, that promote hatred, religious persecution, or violence towards others;"

Senator LaRose submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was recommitted **H. B. No. 347**-Representatives Kelly, Dever, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsor: Hottinger.

YES - 11: EDNA BROWN, MATT DOLAN, FRANK HOAGLAND,  
JAY HOTTINGER, FRANK LAROSE, STEPHANIE  
KUNZE, GAYLE MANNING, ROB MCCOLLEY,  
CHARLETA B. TAVARES, JOE UECKER, JOSEPH  
SCHIAVONI

NO - 0.

Senator LaRose submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **S. B. No. 293**-Senators Peterson, McColley, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8:      MATT DOLAN, FRANK HOAGLAND, JAY HOTTINGER,  
FRANK LAROSE, STEPHANIE KUNZE, ROB  
MCCOLLEY, JOE UECKER, GAYLE MANNING

NO - 3:      EDNA BROWN, CHARLETA B. TAVARES, JOSEPH  
SCHIAVONI

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 87**-Representative Roegner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10:      STEVE WILSON, LOU TERHAR, ROB MCCOLLEY,  
GAYLE MANNING, RANDY GARDNER, VERNON  
SYKES, MATT HUFFMAN, CECIL THOMAS, PEGGY  
LEHNER, WILLIAM P. COLEY, II

NO - 1:      JOSEPH SCHIAVONI

The question being, "Shall the reports of the committee be accepted?"  
The reports of the committee were accepted.

Senator Obhof submitted the following report:

The Standing Committee on Rules and Reference to which were referred the appointments by the Governor of:

**Tammy H. Brown**, from Loveland, Clermont County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2021.

**Matthew J. Carle**, from Blacklick, Franklin County, Ohio, as a Member of the Board of Nursing for a term beginning March 31, 2017 and ending at the close of business December 31, 2019, replacing Sheryl D. Warner, who resigned.

**Christopher J. Ferruso**, from Westerville, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning March 15, 2018 and ending at the close of business June 30, 2019, replacing Denis E. George, whose term expired.

**Charles M. Froehlich**, from Avon Lake, Lorain County, Ohio, as a Member of the State Board of Education for a term beginning March 26, 2018 and ending at the close of business December 31, 2018.

**Lisa A. Froehlich, PhD CCC-SLP**, from Lebanon, Warren County, Ohio, as

a Member of the State Speech and Hearing Professionals Board for a term beginning January 23, 2018 and ending at the close of business March 22, 2020.

**John D. Igoe**, from Upper Arlington, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning March 14, 2018 and ending at the close of business June 30, 2019, replacing Kevin C. King, whose term expired.

**Helen L. Mayle**, from Pickerington, Fairfield County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2019.

**Karen Mitchell, Au.D.**, from Ostrander, Delaware County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2020.

**Barbara L. Prakup, PhD, CCC-SLP**, from Medina, Medina County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2019.

**Michael R. Pratt**, from Perrysburg, Wood County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2020.

**Carrie Lynn Spangler, Au.D.**, from Uniontown, Stark County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2019.

**Matthew Starner**, from Zanesville, Muskingum County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning January 21, 2018 and ending at the close of business March 22, 2019.

**Dasmine Wright**, from Columbus, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning April 20, 2018 and ending at the close of business June 30, 2018, replacing Carol Grimes, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES – 13: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN, STEPHANIE KUNZE, GAYLE MANNING, LARRY OBHOF, BOB PETERSON, CHARLETA B. TAVARES, CECIL THOMAS, KENNY YUKO

NO – 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the Senate advised and consented to said appointments.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

### **Sub. S. B. No. 86**-Senator Hackett

Cosponsors: Senators Brown, Eklund, Schiavoni, Skindell, Sykes, Tavares, Terhar, Williams, Yuko, Uecker, Bacon, Balderson, Beagle, Burke, Coley, Dolan, Gardner, Hite, Hoagland, Hottinger, Huffman, Jordan, Kunze, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Thomas, Wilson  
Representatives Hambley, Anielski, Holmes, Becker, Carfagna, Hill, Hoops, O'Brien, Perales, Ryan, Antani, Antonio, Arndt, Ashford, Boggs, Boyd, Brown, Celebrezze, Cera, Clyde, Craig, Dever, Faber, Gavarone, Gonzales, Green, Greenspan, Hagan, Howse, Huffman, Hughes, Landis, Lanese, Lang, Leland, Lepore-Hagan, Manning, McClain, Miller, Patterson, Patton, Ramos, Reineke, Retherford, Riedel, Roegner, Rogers, Romanchuk, Schaffer, Scherer, Schuring, Sheehy, Stein, Strahorn, Sweeney, Sykes, Thompson, West, Wilkin, Young, Speaker Smith

To amend sections 4501.21 and 4503.772 and to enact sections 5.036, 5.074, 5.2315, 5.243, 5.244, 5.245, 5.2512, 5.2571, 5.262, 5.263, 5.264, 5.481, 5.49, 5.50, 4503.567, 4503.595, 4503.723, 4503.734, 4503.765, 4503.872, 4503.909, 4503.941, 4503.952, 4503.953, 4503.954, 4503.955, 5534.152, 5534.39, 5534.403, 5534.404, 5534.481, 5534.492, 5534.493, 5534.77, 5534.805, 5534.806, 5534.808, 5534.81, 5534.82, 5534.83, 5534.85, 5534.891, 5534.892, 5534.96, and 5534.98 of the Revised Code to designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

Senator Peterson moved that the amendments of the House of Representatives to **Sub. S. B. No. 86**, be informally passed and retain their place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 135**-Senator LaRose

Cosponsors: Senators Eklund, Uecker, Brown, Skindell, Beagle, Gardner, Hackett, Hottinger, Kunze, Lehner, Manning, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson, Yuko Representatives Cera, Antonio, Kelly, Ramos, Rogers, Anielski, Arndt, Ashford, Barnes, Blessing, Boggs, Brenner, Brown, Carfagna, Clyde, Craig, Dean, Dever, Duffey, Fedor, Gavarone, Ginter, Green, Greenspan, Hambley, Hill, Holmes, Howse, Ingram, Landis, Lang, LaTourette, Lepore-Hagan, Lipps, Manning, McClain, Miller, O'Brien, Patterson, Pelanda, Reineke, Rezabek, Riedel, Ryan, Scherer, Schuring, Seitz, Smith, K., Stein, Strahorn, West, Wiggam, Young, Speaker Smith

To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and issue certificate of participation obligations to implement a voting machine and equipment acquisition program, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Kunze	LaRose	Lehner	Manning
McColley	O'Brien	Oelslager	Peterson
Schiavoni	Skindell	Sykes	Tavares
Terhar	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

Senator Jordan voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

## REPORTS OF CONFERENCE COMMITTEES

Senator Oelslager submitted the following report:

The committee of conference to which the matters of difference between the two houses were referred on **Am. Sub. S. B. No. 1**, Senator LaRose - et al., having had the same under consideration, recommends to the



respective houses as follows:

The bill as passed by the House with the following amendments:

The committee of conference to which the matters of difference between the two houses were referred on Sub. S. B. No. 1, Senator LaRose -et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House with the following amendments:

In line 13 of the title, after "know" insert "or have reason to know"

In line 15 of the title, delete the first "of" and insert "under"

Delete line 105

In line 106, delete "defense described in division (F)(2)" and insert "is charged with a violation"

In line 107, after "Code" insert "and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation"

In line 108, delete "a" and insert "the"; delete "of section 2925.11 of the Revised Code"

In line 2377, delete "The" and insert "Except as otherwise provided in division (C)(9)(b) of this section, the"

In line 2378, delete "(10)" and insert "(11)"

In line 2380, delete "(10)" and insert "(11)"

In line 2386, delete "(10)" and insert "(11)"

In line 2387, after "(10)" insert "If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any schedule III, schedule IV, or schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:

(a) Except as otherwise provided in division (C)(10)(b) of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C)(2) of this section. Except as otherwise provided in division (C)(10)(b) of this section, the offender is not guilty of possession of a fentanyl-related compound under division (C)(11) of this section and shall not be charged with, convicted of, or punished under division (C)(11) of this section for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C)(11) of this section.

(11)"

In line 2388, after "and" insert "neither"; after "(C)(9)(a)" insert "nor division (C)(10)(a)"; delete "does not"

In line 2389, delete "apply" and insert "applies"; after "involved" insert " ,"

In line 2390, delete "containing" and insert "that contains"

In line 2391, before "and" insert "or is a combination of a fentanyl-related compound and any other controlled substance"; after "and" insert "neither"; after "(C)(9)(a)" insert "nor division (C)(10)(a)"; delete "does not apply" and insert "applies"

In line 2392, delete "and the affirmative defense described in division"

In line 2393, delete "(F)(2) of this section does not apply."

In line 2397, delete "(10)" and insert "(11)"

In line 2489, delete "(1)"

Delete lines 2507 through 2520

In line 4177, delete "(10)" and insert "(11)"

Managers on the Part of the  
Senate

/S/ SCOTT OELSLAGER  
Scott Oelslager

/S/ FRANK LAROSE  
Frank LaRose

/S/ CECIL THOMAS  
Cecil Thomas

Managers on the Part of the  
House of Representatives

/S/ NATHAN H. MANNING  
Nathan H. Manning

/S/ WILLIAM J. SEITZ  
William J. Seitz

/S/ NICHOLAS J. CELEBREZZE  
Nicholas J. Celebrezze

Senator Peterson moved that pursuant to Senate Rule No. 44, the Report of the committee of conference on **Am. Sub. S. B. No. 1**-Senator LaRose, et al., be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the report of the committee of conference be agreed to?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Balderson  
Coley  
Hackett  
Jordan

Beagle  
Dolan  
Hoagland  
Kunze

Brown  
Eklund  
Hottinger  
LaRose

Burke  
Gardner  
Huffman  
Lehner

Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Sykes	Tavares
Terhar	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

Senator Skindell voted in the negative-1.

So the report of committee of conference was agreed to.

## **RESOLUTIONS REPORTED BY COMMITTEE**

### **S. C. R. No. 21-Senator Balderson.**

Cosponsors: Senators Beagle, Hoagland, Terhar, Schiavoni, Burke, LaRose, Uecker.

To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.

WHEREAS, The Appalachian region, including parts of Kentucky, Ohio, Pennsylvania, and all of West Virginia, contains world class supplies of natural gas and natural gas liquids (NGL) that contribute to the country's energy dominance; and

WHEREAS, Harnessing those supplies by constructing an Appalachian storage hub involves major investments in infrastructure, including storage caverns and pipelines, and implementation of a significant jobs program for the residents of the Appalachian region; and

WHEREAS, Natural gas liquids are the major feedstock of the chemical industry and the region contains enough feedstock to attract \$35 billion in new chemical and plastics industry investment. Chemical and plastic industry investments of this scale could create 100,000 new jobs, \$28 billion in new economic output, more than \$6 billion in annual payroll, and nearly \$3 billion a year in new federal, state, and local tax revenue; and

WHEREAS, Enactment of the federal "Appalachian Energy and Manufacturing Revitalization Act" would improve the infrastructure permitting process by directing the Secretaries of Energy and Commerce to approve projects related to the Appalachian storage hub, identify the lead federal and state agency liaisons, and coordinate with them on designating the project; and

WHEREAS, The bill directs the Federal Energy Regulatory Commission (FERC) to consider relevant licenses and permits for the requisite pipeline infrastructure, and then requires the other federal agencies to complete consideration of their respective permits within 60 days of the completion of the FERC licensing or have their jurisdictional permits deemed approved; and

WHEREAS, In addition to the "Appalachian Energy and Manufacturing Revitalization Act," the "Capitalizing American Storage

Potential Act" would make a regional NGL storage hub eligible for the Department of Energy's successful Title XVII loan guarantee program, and the "Appalachian Ethane Storage Hub Study Act of 2017" would help assess the feasibility and potential benefits of establishing a subterranean ethane storage and distribution hub in central Appalachia; now therefore be it

RESOLVED, That we, the members of the 132nd General Assembly of the State of Ohio, urge the Congress of the United States to enact bills advancing the development of an Appalachian storage hub, including all of the following:

--The "Appalachian Energy and Manufacturing Revitalization Act of 2017";

--The "Capitalizing American Storage Potential Act"; and

--The "Appalachian Ethane Storage Hub Study Act of 2017"; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio, West Virginia, Kentucky, and Pennsylvania Congressional delegations, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 21**, be adopted?

The question being, "Shall the resolution, S. C. R. No. 21, be adopted?

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Sykes	Tavares
Terhar	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

Senator Skindell voted in the negative-1.

So the resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Balderson moved to amend the title as follows:

Add the names: "Senators Coley, Eklund, Hackett, Hottinger, Huffman, Manning, O'Brien, Oelslager, Peterson, Tavares, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**S. C. R. No. 23**-Senators Obhof, Peterson.

Cosponsors: Senators Balderson, Beagle, Coley, Gardner, Hackett, Hottinger, Huffman, Jordan, Manning, McColley, Oelslager, Uecker, Terhar, O'Brien.

To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

WHEREAS, "It is incontestible that the Constitution established a system of 'dual sovereignty,'" *Printz v. United States*, 521 U.S. 898, 918 (1997); and

WHEREAS, The powers delegated to the federal government "are few and defined" (Federalist No. 45) and "its jurisdiction extends to certain enumerated objects only" (Federalist No. 39); and

WHEREAS, The Constitution "leaves to the several States a residuary and inviolable sovereignty" (Federalist No. 39) and the powers retained by State governments are "numerous and indefinite" (Federalist No. 45); and

WHEREAS, By dividing government "into distinct and separate departments," allotting different powers and responsibilities to each, the Constitution protects "the rights of the People" (Federalist No. 51); and

WHEREAS, The United States Supreme Court, in *Printz v. United States*, 521 U.S. 898 (1997), recognized that "This separation of the two spheres is one of the Constitution's structural protections of liberty. 'Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front'" (521 U.S. at 921); and

WHEREAS, The Tenth Amendment to the United States Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The Tenth Amendment defines the scope of federal power as being that specifically granted to the federal government by the Constitution; and

WHEREAS, The Ninth Amendment to the Constitution of the United States states that, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, We believe in the importance of all levels of government working together to serve the citizens of our country, by respecting the

constitutional provisions that properly delineate the authority of each respective level; and

WHEREAS, The Tenth Amendment assures that we, the people of the United States and each sovereign State in the Union of States, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, The United States Supreme Court held in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States by compelling them to enact and enforce regulatory programs; and

WHEREAS, The United States Supreme Court held in *United States v. Lopez*, 514 U.S. 549 (1995) that the scope of the federal government's power "must be considered in light of our dual system of government and may not be extended so as to ... effectively obliterate the distinction between what is national and what is local..." (514 U.S. at 557); and

WHEREAS, Certain enactments by the federal government exceed the scope of the federal government's enumerated powers, and intrude on areas traditionally left to the States; and

WHEREAS, Today, in 2018, the States are often treated as agents of the federal government, in contravention of the principles outlined above; and

WHEREAS, Certain federal laws contravene the Tenth Amendment to the Constitution of the United States; now therefore be it

RESOLVED, That the State of Ohio hereby acknowledges and reaffirms its residuary and inviolable sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and be it further

RESOLVED, That this resolution serves as notice to the federal government to end federal mandates that are beyond the scope of its constitutionally delegated powers; and be it further

RESOLVED, That compulsory federal legislation that directs States to comply under threat of civil or criminal penalty or sanction or that requires States to enact legislation or lose federal funding be prohibited or repealed; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House of Representatives and the President of the Senate of each state's legislature, and each member of the Ohio Congressional delegation.

The question being, "Shall the concurrent resolution, **S. C. R. No. 23**, be

adopted?

The question being, "Shall the resolution, S. C. R. No. 23, be adopted?

The yeas and nays were taken and resulted – yeas 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Lehner	Manning
McColley	O'Brien	Oelslager	Peterson
Terhar	Uecker	Williams	Wilson
			Obhof-25

Senators Brown, Schiavoni, Skindell, Sykes, Tavares, Thomas, and Yuko voted in the negative-7.

So the resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Obhof moved to amend the title as follows:

Add the names: "Senators Burke, Dolan, Eklund, Hoagland, LaRose, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

## BILLS FOR THIRD CONSIDERATION

### Sub. H. B. No. 18-Representatives Pelanda, Retherford

Cosponsors: Representatives Wiggam, Keller, Blessing, Koehler, Becker, Hambley, McColley, Goodman, Huffman, Dean, Scherer, Dever, Faber, Riedel, Green, Young, Gavarone, Kick, Rezabek, Ginter, Greenspan, Anielski, Arndt, Ashford, Conditt, Duffey, Hughes, Ingram, Lipps, Manning, O'Brien, Patmon, Patton, Perales, Reineke, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Seitz, Sheehy, Slaby, Smith, R., Sprague, Stein, Sweeney, Thompson, West, Senators Coley, LaRose

To amend sections 3513.301, 3513.312, 5715.49, and 5715.50 and to enact sections 3.111 and 5739.081 of the Revised Code to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 18**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Add the names: "Senators Beagle, Eklund, Hackett, Hoagland, Huffman, Kunze, Obhof, O'Brien, Oelslager, Peterson, Sykes, Terhar, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 87**-Representative Roegner

Cosponsors: Representatives Becker, Blessing, Butler, Dean, DeVitis, Dever, Duffey, Fedor, Hambley, Henne, Hill, Keller, Leland, Patterson, Patmon, Rezabek, Riedel, Schaffer, Slaby, Smith, K., Smith, R., Stein, Thompson, Vitale, Young, Faber, Anielski, Antonio, Barnes, Boggs, Boyd, Brown, Carfagna, Celebrezze, Cera, Clyde, Craig, Cupp, Galonski, Ginter, Green, Holmes, Howse, Ingram, Johnson, Koehler, Lepore-Hagan, Manning, O'Brien, Perales, Ramos, Rogers, Ryan, Schuring, Sheehy, Strahorn, Sweeney, Sykes, West

To amend sections 9.833, 3313.26, 3314.08, 5705.194, and 5705.391 and to enact sections 3313.241, 3314.232, and 3314.52 of the Revised Code and to contingently amend Section 11 of Sub. S.B. 216 of the 132nd General Assembly upon its enactment and becoming effective regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public



schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 87**, pass?"

Senator Gardner moved that **Sub. H. B. No. 87** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 95**-Representatives Hughes, Seitz

Cosponsors: Representatives Duffey, Carfagna, Green, Johnson, Manning, Patton, Anielski, Antonio, Ashford, Craig, Fedor, Greenspan, Holmes, Ingram, Koehler, Lepore-Hagan, O'Brien, Perales, Sheehy, Sweeney Senator Uecker

To amend sections 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.204, 4511.205, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, and 4511.73 and to enact section 4511.991 of the Revised Code to establish an enhanced penalty for committing a moving violation while distracted if the distraction is a contributing factor to the commission of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 95**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Kunze	LaRose	Lehner	Manning
McColley	O'Brien	Oelslager	Peterson
Schiavoni	Skindell	Sykes	Tavares
Terhar	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

Senator Jordan voted in the negative-1.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Kunze moved to amend the title as follows:

Add the names: "Senators Brown, Burke, Eklund, Gardner, Hackett,

Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, O'Brien, Schiavoni, Terhar, Thomas, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 168**-Representative Stein

Cosponsors: Representatives Boccieri, Brenner, Hambley, LaTourette, Seitz, Arndt, Carfagna, O'Brien, Blessing, Antonio, Boyd, Brown, Craig, Cupp, Edwards, Galonski, Ginter, Green, Greenspan, Hill, Holmes, Howse, Ingram, Lang, Leland, Manning, Patterson, Ramos, Reineke, Retherford, Riedel, Sprague, Sweeney, West Senators Beagle, Tavares

To amend sections 1721.21, 1721.211, 4717.03, 4717.13, 4717.14, 4717.36, 4767.01, 4767.02, 4767.03, 4767.04, 4767.05, 4767.06, 4767.07, and 4767.08 and to enact sections 4767.021, 4767.09, 4767.10, and 4767.11 of the Revised Code to modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 168**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Oelslager moved to amend the title as follows:

Add the names: "Senators Hackett, Hoagland, Manning, Oelslager, Peterson, Terhar."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 263**-Representative Lanese

Cosponsors: Representatives Young, Anielski, Antonio, Barnes, Boggs, Boyd,

Greenspan, Hambley, Henne, Hughes, LaTourette, Leland, Lepore-Hagan, Miller, Patton, Ramos, Rogers, Scherer, Schuring, Sweeney, Thompson, West, Wiggam

To amend section 3717.05 and to enact section 3717.14 of the Revised Code to generally allow the owner of a retail food establishment or food service operation to allow dogs in an outdoor dining area of the establishment or operation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 263**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Add the names: "Senators Beagle, Burke, Coley, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, O'Brien, Schiavoni, Skindell, Tavares, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 312**-Representatives Schuring, Greenspan

Cosponsors: Representatives Blessing, Faber, Ginter, Anielski, Antonio, Arndt, Ashford, Barnes, Boyd, Craig, Cupp, Dean, Dever, Edwards, Fedor, Green, Hagan, Hambley, Holmes, Householder, Hughes, Ingram, Johnson, Landis, Lang, LaTourette, Leland, Lepore-Hagan, Manning, O'Brien, Patterson, Pelanda, Perales, Reineke, Rezabek, Roegner, Rogers, Ryan, Schaffer, Seitz, Sheehy, Smith, R., Sprague, Stein, Strahorn, Sweeney, Thompson, West, Wiggam, Young, Zeltwanger, Senator Coley

To amend sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 and to enact sections 9.21, 9.22, 717.31, 3313.311, 3314.52, 3326.52, 3328.52, and 6119.60 of the Revised Code to regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office

fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 312**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Add the names: "Senators Beagle, Dolan, Eklund, Hackett, Hoagland, Huffman, Manning, McColley, Oelslager, Peterson, Terhar, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 336**—Representatives Barnes, Greenspan

Cosponsors: Representatives Ashford, Boyd, Brown, Craig, Dean, Edwards, Galonski, Henne, Holmes, Howse, Ingram, Kent, LaTourette, Manning, Patton, Pelanda, Ramos, Reineke, Schuring, Seitz, Sprague, Sykes, West  
Senators LaRose, Kunze, Manning, Tavares, Uecker, Brown, Hottinger

To require the registrar of motor vehicles to establish a six month driver's license reinstatement fee debt reduction and amnesty program and to name this act the Reinstatement Fee Amnesty Initiative, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 336**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator LaRose moved to amend the title as follows:

Add the names: "Senators Gardner, Hackett, Hoagland, Lehner, Obhof, O'Brien, Schiavoni, Sykes."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 347**-Representatives Kelly, Dever

Cosponsors: Representatives Antani, Antonio, Ashford, Blessing, Bocchieri, Brinkman, Craig, Goodman, Hughes, Ingram, Leland, Ramos, Reece, Retherford, Riedel, Rogers, Romanchuk, Seitz, Smith, K., Sweeney, Thompson, West, Green, Greenspan, Sheehy, Householder, Johnson, Lepore-Hagan, Manning, Anielski, Barnes, Boggs, Boyd, Brenner, Brown, Butler, Celebrezze, Clyde, DeVitis, Faber, Fedor, Galonski, Gavarone, Ginter, Hagan, Henne, Hill, Holmes, Howse, Kent, Landis, Lanese, LaTourette, Lipps, McClain, Miller, O'Brien, Patterson, Patton, Perales, Ryan, Schaffer, Slaby, Sprague, Strahorn, Sykes, Young, Zeltwanger Senators Schiavoni, Brown, LaRose, Manning, Tavares, Uecker, Kunze, Hottinger

To enact sections 5534.401, 5534.402, 5534.404, 5534.405, 5534.481, 5534.492, 5534.493, 5534.751, 5534.77, 5534.809, 5534.815, 5534.85, 5534.891, 5534.892, 5534.893, 5534.894, and 5534.895 of the Revised Code to designate multiple memorial highways, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 347**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator LaRose moved to amend the title as follows:

Add the names: "Senators Balderson, Beagle, Burke, Coley, Dolan, Gardner, Hackett, Hoagland, Lehner, McColley, Obhof, O'Brien, Peterson, Sykes, Terhar, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 119**-Senators Hackett, Hottinger

Cosponsor: Senator Beagle

To amend sections 4723.52, 4730.56, 4731.83, and 5119.363, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3715.08 (3719.064), and to enact sections 3719.063 and 4729.283 of the Revised Code regarding naltrexone and medication-assisted treatment, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 119**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hottinger moved to amend the title as follows:

Add the names: "Senators Balderson, Brown, Burke, Dolan, Eklund, Gardner, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Terhar, Uecker, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 229**-Senator Eklund

Cosponsors: Senators Lehner, Beagle, Hackett

To amend sections 119.03, 149.43, 149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2925.03, 2925.09, 2925.11, 2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3719.01, 3719.04, 3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 3719.12, 3719.40, 3719.43, 3719.44, 3719.61, 3719.811, 3796.01, 3923.602, 4729.01, 4729.19, 4729.46, 4729.52, 4729.53, 4729.54, 4729.55, 4729.553, 4731.97, and 5164.7511, to enact new section 3719.41 and section 3719.45, and to repeal section 3719.41 of the Revised Code to modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 229**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Brown, Burke, Dolan, Hoagland, Kunze, LaRose, Manning, O'Brien, Schiavoni, Tavares, Terhar, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 255**-Senator McColley

Cosponsors: Senators Wilson, Jordan, Huffman, Terhar, LaRose, Coley, Hoagland, Lehner, Eklund, Beagle

To enact sections 101.62, 101.63, 101.64, 101.65, 103.26, 103.27, 4798.01, 4798.02, and 4798.03 of the Revised Code to establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 255**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Lehner	Manning
McColley	O'Brien	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Senators Brown, Schiavoni, Skindell, Sykes, Tavares, Thomas, Williams, and Yuko voted in the negative-8.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator McColley moved to amend the title as follows:

Add the names: "Senators Balderson, Hackett, Obhof, O'Brien, Peterson, Uecker."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 273**-Senator Hackett

Cosponsors: Senators Hottinger, Brown

To enact sections 1.65 and 3901.91 of the Revised Code to enact for the Revised Code a definition of the term "insurance rating agency", was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 273**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hackett moved to amend the title as follows:

Add the name: "Senator Burke."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 293**-Senators Peterson, McColley

Cosponsors: Senators Obhof, Wilson, Bacon, Hoagland, Huffman, LaRose, Coley, Uecker, Jordan

To amend sections 106.021 and 106.03 and to enact sections 101.352, 101.353, 121.031, 121.93, 121.931, 121.932, and 121.933 of the Revised Code to require certain agencies to reduce the number of regulatory restrictions, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 293**, pass?"

Senator Tavares moved to amend as follows:

In line 2 of the title, after "121.93," insert "and"



In line 3 of the title, delete ", 121.932, and 121.933"

In line 7, after "121.93," insert "and"; delete ", 121.932,"

In line 8, delete "and 121.933"

In line 12, delete "specified percentage"

In line 14, delete the first underlined comma and insert "and"; delete ", 121.932, and"

In line 15, delete "121.933"; after the underlined period insert "The joint committee also shall assist state agencies in determining when a state agency has achieved a sufficient reduction in regulatory restrictions."

In line 28, after "restrictions" insert ", and recommendations for regulatory restrictions or rules that should be enacted as statutes for clarification or transparency"

In line 39, delete the first underlined comma and insert "and"; delete ", and 121.933"

In line 42, after the first underlined comma insert "and"; delete ", 121.932, and 121.933"

In line 137, delete the first underlined comma and insert "and"; delete ", 121.932, and"

In line 138, delete "121.933"

In line 139, delete the first underlined comma and insert "and"; delete ", 121.932,"

In line 140, delete "and 121.933"

In line 153, delete the first underlined comma and insert "and"; delete ", 121.932, and 121.933"

In line 184, delete "(1)"

Delete lines 187 through 207

In line 208, delete everything before the underlined period

Between lines 208 and 209, insert: "An agency shall not consider for reduction any regulatory restrictions that are required to be adopted by federal law or upon which federal funding is contingent."

In line 212, delete "divisions (A)(1) and (2)" and insert "division (A)"

In line 233, delete "the specified thirty per cent" and insert "a"

In line 234, before the underlined period insert "deemed sufficient by the state agency in consultation with the joint committee"

Delete lines 235 through 264

The question being, "Shall the amendment be agreed to?"

Senator Uecker moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 23, nays 9, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Lehner	Manning
McColley	Oelslager	Peterson	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 293**, pass?"

The yeas and nays were taken and resulted – yeas 23, nays 9, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Lehner	Manning
McColley	Oelslager	Peterson	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Peterson moved to amend the title as follows:

Add the names: "Senators Balderson, Eklund, Hackett, Hottinger, Lehner, Oelslager, Terhar."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

On the motion of Senator Peterson, **Am. H. B. No. 87** having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 87**, pass?"

Senator Schiavoni moved to amend as follows:

In line 1 of the title, after "9.833," insert "3302.01, 3302.03, 3302.41,"; after "3313.26," insert "3314.03, 3314.032,"; after "3314.08" insert ", 3314.23, 3314.27, 3314.271,"

In line 2 of the title, after "sections" insert "3302.038,"

In line 3 of the title, after "3313.241" insert ", 3314.088"; after "3314.232" insert ", 3314.241, 3314.242"

In line 24 of the title, delete "and"

In line 28 of the title, after "e-school" insert ", the operation of community schools, and performance metrics for blended learning schools"

In line 30, after "9.833" insert ", 3302.01, 3302.03, 3302.41"; after "3313.26" insert ", 3314.03, 3314.032"; after "3314.08" insert ", 3314.23, 3314.27, 3314.271,"

After line 67, insert:

**"Sec. 3302.01.** As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.

(2) For the assessments prescribed by division (B)(1) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.

The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance

index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) Limited English proficient students;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.

(J) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(K) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(L) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

~~(L)~~(M) "Entitled to attend school in the district" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

**Sec. 3302.03.** Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue

grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."

(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded

performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 ~~and 2014-2015 through 2016-2017~~ school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:



(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance

benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C)(1) For the ~~2014-2015-2017-2018~~ school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students

identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A) (1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C) (1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement

examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance

measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.

In the rules adopted under division (C)(3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) On or after July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(E) The letter grades assigned to a school district or building under this section shall be as follows:

- (1) "A" for a district or school making excellent progress;
- (2) "B" for a district or school making above average progress;

- (3) "C" for a district or school making average progress;
- (4) "D" for a district or school making below average progress;
- (5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

- (1) Performance of students by grade-level;
- (2) Performance of students by race and ethnic group;
- (3) Performance of students by gender;
- (4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;
- (5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;
- (6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;
- (7) Performance of students grouped by those who are economically disadvantaged;
- (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;
- (9) Performance of students grouped by those who are classified as limited English proficient;
- (10) Performance of students grouped by those who have disabilities;
- (11) Performance of students grouped by those who are classified as migrants;
- (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.
- (13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate.

To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(G) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(H) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. ~~When available, such~~ Such additional information shall include student mobility data disaggregated by race and socioeconomic status; for each district and school including each internet- and computer-based community school not sponsored by a school district. When available, such additional information also shall include college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and

performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (I)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections:

(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card;

(b) To have the number of students attending that community school noted separately on the district's report card.

The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K)(1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section



3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

**Sec. 3302.038.** For purposes of calculating grades on the state report cards issued under section 3302.03 of the Revised Code on and after the effective date of this section, in the case of a student who is enrolled in an internet- or computer- based community school not sponsored by a school district who has participated in learning opportunities of the school for more than ninety days during the school year for which the report card is issued, but who during the school year transfers to the school district in which the student is entitled to attend school, the department of education shall attribute the results of any assessments under section 3301.0710 or 3301.0712 of the Revised Code taken by that student to the community school and not to the school district.

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

(A) Any local, city, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the

Revised Code, or chartered nonpublic school may operate all or part of a school using a blended learning model. If a school is operated using a blended learning model or is to cease operating using a blended learning model, the superintendent of the school or district or director of the school shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school, community school, or STEM school is already operated using a blended learning model on ~~the effective date of this section~~ September 24, 2012, the superintendent of the school or district may notify the department within ninety days after ~~the effective date of this section~~ September 24, 2012, of that fact and request that the school be classified as a blended learning school.

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

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

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

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

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

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

(C) An internet- or computer-based community school, as defined in

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

(D) Not later than ninety days after the effective date of this amendment, the department shall develop a metric for measuring student performance in schools that operate using the blended learning model."

After line 297, insert:

**"Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student, unless section 3314.088 of the Revised Code applies to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744.,

3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based

upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(l) The school will comply with all attendance requirements and standards, including those for excused absences, established by rule of the state board as if it were a school district. Division (A)(11)(l) of this section does not apply to an internet- or computer-based community school sponsored by a school district.

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

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

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

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

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

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

employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

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

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

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

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

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

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

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

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

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

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

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school

district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;



(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

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

(5) Internal financial controls.

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

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

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

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

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

**Sec. 3314.032.** (A) On and after the effective date of this section, any new or renewed contract between the governing authority of a community school and an operator shall include at least the following:

(1) Criteria to be used for early termination of the operator contract;

(2) Required notification procedures and timeline for early termination or nonrenewal of the operator contract;

(3) A stipulation of which entity owns all community school facilities and property including, but not limited to, equipment, furniture, fixtures, instructional materials and supplies, computers, printers, and other digital devices purchased by the governing authority or operator. Any stipulation regarding property ownership shall comply with the requirements of section 3314.0210 of the Revised Code.

(B)(1) The operator with which the governing authority of a community school contracts for services shall not lease any parcel of real

property to that community school until an independent professional in the real estate field verifies via addendum that at the time the lease was agreed to, the lease was commercially reasonable.

(2) The independent professional described in division (B)(1) of this section shall be immune from civil liability for any decision rendered pursuant to this section.

(C) Beginning with the 2016-2017 school year, the governing authority of a community school, with the assistance of the school's designated fiscal officer, shall adopt an annual budget by the thirty-first day of October of each year.

Not later than ninety days after the effective date of this section, the department of education shall develop a format for annual budgets of community schools. The format shall prescribe inclusion of the following information in a school's budget:

- (1) Administrative costs for the community school as a whole;
- (2) Instructional services costs for each category of service provided directly to students, compiled and reported in terms of average expenditure per pupil receiving the service;
- (3) The cost of instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students;
- (4) The cost of administrative support services, such as the cost of personnel that develop the curriculum and the cost of personnel supervising or coordinating the delivery of the instructional services;
- (5) The cost of support or extracurricular services costs for services directly provided to students;
- (6) The cost of services provided directly to students by a nonlicensed employee related to support or extracurricular services, such as janitorial services, cafeteria services, or services of a sports trainer;
- (7) The cost of administrative services related to support or extracurricular services, such as the cost of any licensed or unlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of services.

(D) The governing authority of a community school shall be the sole entity responsible for the adoption of the school's annual budget, but the governing authority shall adopt such budget with the assistance of the school's designated fiscal officer.

(E) On and after the effective date of this amendment, the duration of any new or renewed contract between the governing authority of a community school and an operator shall not exceed a term of three years.

(F) The contract between the governing authority of a community school and an operator may be renewed provided that, upon renewal, the parties incorporate into the contract references to, and comply with, any and all applicable provisions of this chapter that were amended or enacted prior to the effective date of the renewed contract."

Delete lines 298 through 797 and insert:

**"Sec. 3314.08.** (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

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

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical

education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;

(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

(g) The number of students reported under divisions (B)(2)(a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(i) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(2)(a) to (h) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of \$320;

(e) If the student is economically disadvantaged, an additional amount equal to the following:

\$272 X the resident district's economically disadvantaged index

(f) Limited English proficiency funds as follows:

(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;

(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;

(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.

(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;

(ii) If the student is a category two career-technical education student,

the amount specified in division (B) of section 3317.014 of the Revised Code;

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.

(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the



purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (C)(1)(g) of this section may be spent.

(5) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C)(9) of this section, all funds received under division (C)(1)(g) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code.

(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following:

(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of

the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H)(2) of this section. The department shall continue subtracting and paying amounts for the student under division (C) of this section without interruption at the start of the subsequent school year. However, unless section 3314.088 of the Revised Code applies to the student, if the student without a legitimate excuse fails to participate in the first one hundred five consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's

entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

In the case of an internet- or computer-based community school that is not sponsored by a school district, when determining a student's percentage of full-time equivalency under division (H)(3) of this section, the "percentage of learning opportunities provided by the community school to that student" shall be equal to the amount of time that the student was actively engaged in learning opportunities during that school year, unless section 3314.088 of the Revised Code applies to the student.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under this section to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

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

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

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

**Sec. 3314.088.** In extenuating circumstances, as specified in rules adopted by the state board of education pursuant to this section, a high-performing student enrolled in an internet- or computer-based community school not sponsored by a school district shall not be subject to the withdrawal requirement, for being absent without legitimate excuse for one hundred five hours of learning opportunities, prescribed by division (A)(6) of section 3314.03 and division (H)(2) of section 3314.08 of the Revised Code. Additionally, for purposes of determining that student's percentage of full-time equivalence under division (H) (3) of section 3314.08 of the Revised Code, the "percentage of learning opportunities provided by the community school to that student" shall not be required to equal the amount of time that the student was actively engaging in learning opportunities during that school

year.

Not later than ninety days after the effective date of this section, the state board shall adopt rules, in accordance with Chapter 119. of the Revised Code, for purposes of implementing this section. The rules shall include a definition of "high-performing student" and specify both the extenuating circumstances under which a student may qualify under this section and any necessary parameters for determining a high-performing student's percentage of full-time equivalency.

**Sec. 3314.23.** (A) Subject to division (B) of this section, each internet- or computer-based community school shall comply with the standards developed by the international association for K-12 online learning.

(B) Each internet- or computer-based community school that initially opens for operation on or after January 1, 2013, shall comply with the standards required by division (A) of this section at the time it opens. Each internet- or computer-based community school that initially opened for operation prior to January 1, 2013, shall comply with the standards required by division (A) of this section not later than July 1, 2013.

(C) The sponsor of each internet- or computer-based community school shall be responsible for monitoring, ensuring, and reporting compliance with the online learning standards described in divisions (A) and (B) of this section and shall report a school's failure to comply with these standards to the department of education in the manner prescribed by the department.

**Sec. 3314.241.** All public meetings of the governing authority of an internet- or computer-based community school not sponsored by a school district shall be made available online to the public in a format that is viewable as a live event through the internet. Notice of each meeting shall be given at least two weeks prior to the meeting by publication in at least one newspaper of general circulation within each city or county from which the school currently enrolls a student.

Nothing in this section shall be construed to exempt an internet- or computer-based community school from complying with the provisions of the open meetings laws, as prescribed by division (A)(11)(d) of section 3314.03 of the Revised Code.

**Sec. 3314.242.** Any internet- or computer-based community school not sponsored by a school district shall include in any advertising, recruiting, or promotional materials the most recent rating or letter grade for overall academic performance, performance index score, overall value-added progress dimension score, and the four- and five-year adjusted cohort graduation rate scores assigned to the school by the department of education under divisions (B)(1)(b), (d), and (e); (C)(1)(b), (d), and (e); and (C)(3) of

section 3302.03 of the Revised Code.

**Sec. 3314.27.** (A) No student enrolled in an internet- or computer-based community school may participate in more than ten hours of learning opportunities in any period of twenty-four consecutive hours. Any time such a student participates in learning opportunities beyond the limit prescribed in this section shall not count toward the annual minimum number of hours required to be provided to that student as prescribed in division (A)(11)(a) of section 3314.03 of the Revised Code. If any internet- or computer-based community school requires its students to participate in learning opportunities on the basis of days rather than hours, one day shall consist of a minimum of five hours of such participation.

(B) Each internet- or computer-based community school shall keep an accurate record of each individual student's participation in learning opportunities each day. The record shall be kept in such a manner that the information contained within it easily can be submitted to the department of education, upon request by the department or the auditor of state.

(C) Each internet- or computer-based community school that is not sponsored by a school district shall keep an accurate record of the number of hours in which each student is actively participating in learning opportunities during each period of twenty-four consecutive hours. The record shall be certified on a monthly basis by an individual who is employed by the school and holds a valid license issued by the state board of education pursuant to sections 3319.22 to 3319.31 of the Revised Code. The record shall then be submitted each month as a report to the department of education, in the form and manner prescribed by the department. Upon receipt, the department shall make each report available on its web site, to the extent permitted under section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended.

(D) If a student enrolled in an internet- or computer- based community school not sponsored by a school district fails to participate in learning opportunities for ten consecutive days following the date the student begins instruction for the school year but prior to completing the student's academic program for that school year, the school shall notify the department, the student's parent, guardian, or custodian, and the student's resident school district of the student's failure to participate in those learning opportunities.

(E) As used in this section, a student's "resident school district" is the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code and from which district the payments to the community school for the student are deducted under section 3314.08 of the Revised Code.

**Sec. 3314.271.** (A) Each internet- or computer-based community



school shall offer a student orientation course and shall notify each student who enrolls in that school of that student's opportunity to participate in the student orientation course.

(B) The department of education shall provide guidance to internet- or computer-based community schools for developing and delivering the orientation course.

(C) Each internet- or computer-based community school may, at the time of a particular student's enrollment in that school, ask the student's parent or guardian to estimate the length of time the student will attend the school. Any information collected pursuant to this division shall be included in an aggregated format in the school's annual report required by division (A) (11)(g) of section 3314.03 of the Revised Code.

(D)(1) Each internet- or computer-based community school, on a periodic basis throughout each school year, shall communicate with each student's parent, guardian, or custodian regarding the performance and progress of that student. Each internet- or computer-based community school also shall provide opportunities for parent-teacher conferences, shall document the school's requests for such conferences, and may permit students to participate in the conferences. ~~Parent-teacher-~~

(2) In addition to the conferences prescribed in division (D)(1) of this section, in the case of an internet- or computer-based community school not sponsored by a school district, if the academic performance of a student declines while the student is enrolled in the school, the student's parents, the student's teachers, and the principal or lead teacher of the community school shall confer to evaluate the student's continued enrollment in the school.

Parent-teacher conferences conducted pursuant to division (D)(1) or (2) of this section may be conducted through electronic means."

In line 935, after "9.833" insert "3302.01, 3302.03, 3302.41,"; after "3313.26," insert "3314.03, 3314.032,"; after "3314.08" insert ", 3314.23, 3314.27, 3314.271,"

After line 992, insert:

"Section 6. (A) The E-School Funding Commission is hereby created to study the actual costs required to operate an Internet- or computer-based community school as defined in section 3314.02 of the Revised Code. Not later than December 31, 2018, the Commission shall determine a rational methodology for calculating the costs of operating an Internet- or computer-based community school. The Commission shall submit a report of its recommendations to the General Assembly in accordance with section 101.68 of the Revised Code. The Commission also shall submit a copy of the report to the Governor for use when considering school funding recommendations. Upon submission of the report, the Commission shall cease to exist.

(B) The Commission shall consist of the following members:

(1) The Governor, or the Governor's designee;

(2) The Superintendent of Public Instruction, or the Superintendent's designee, who shall serve as the chairperson of the Commission;

(3) The Chancellor of Higher Education, or the Chancellor's designee;

(4) Two teachers currently employed by an Internet- or computer-based community school in this state, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;

(5) The chief administrator of an Internet- or computer- based community school that is sponsored by the board of education of a school district and has received a grade of at least "C" for performance index score and overall value-added progress dimension, under divisions (B)(1)(b) and (e) of section 3302.03 of the Revised Code, on the most recent report card issued under section 3302.03 of the Revised Code, appointed by the Speaker of the House of Representatives;

(6) The chief administrator of an Internet- or computer-based community school that is not sponsored by the board of education of a school district and has received a grade of at least "C" for performance index score and overall value-added progress dimension, under divisions (B)(1)(b) and (e) of section 3302.03 of the Revised Code, on the most recent report card issued under section 3302.03 of the Revised Code, appointed by the Minority Leader of the House of Representatives;

(7) The parent of a student enrolled in an Internet- or computer-based community school, appointed by the President of the Senate;

(8) A representative of the business community, appointed by the Minority Leader of the Senate;

(9) A representative of the general public, appointed by the Speaker of the House of Representatives;

(10) A representative of community school operators, appointed by the Minority Leader of the House of Representatives;

(11) A representative of community school sponsors, appointed by the Speaker of the House of Representatives;

(12) The fiscal officer of an Internet- or computer-based community school, appointed by the President of the Senate;

(13) The chairpersons and ranking members of the standing committees of the House of Representatives and Senate principally responsible for education policy;

(14) A representative of an organization that serves as a bargaining representative for teachers in this state, appointed by the Minority Leader of the Senate;

(15) A representative from an organization of school administrators or fiscal officials, appointed by the Minority Leader of the House of Representatives;

Members of the Commission shall serve without compensation. The Department of Education shall provide administrative support for the Commission."

In line 993, delete "6" and insert "7"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
LaRose	Lehner	Manning	McColley
Peterson	Terhar	Uecker	Wilson
			Obhof-21

Those who voted in the negative were: Senators

Brown	Kunze	O'Brien	Oelslager
Schiavoni	Skindell	Sykes	Tavares
Thomas	Williams		Yuko-11

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 87**, pass?"

Senator Schiavoni moved to amend as follows:

In line 4 of the title, delete "and" and insert a comma

In line 6, after "effective" insert ", and to amend Section 733.67 of Am. Sub. H.B. 49 of the 132nd General Assembly and to amend for the purpose of codifying and changing the number of Section 733.67 of Am. Sub. H.B. 49 of the 132nd General Assembly to section 3313.617 of the Revised Code"

In line 24 of the title, delete "and"

In line 28 of the title, after "e-school" insert ", and to apply alternative graduation requirements to the classes of 2019 and 2020"

Between lines 992 and 993, insert:

**"Section 6.** That Section 733.67 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended and that Section 733.67 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to codify it as section 3313.617 of the Revised Code to read as follows:

**Sec. 733.67 3313.617.** Notwithstanding anything in the Revised Code to the contrary, this section shall apply only to students who are enrolled in a school district, community school, STEM school, or chartered nonpublic school and who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, ~~2015~~ 2017. This section does not apply to any student who entered ninth grade for the first time prior to July 1, 2014, or to any student who entered ninth grade for the first time on or after July 1, ~~2015~~ 2017.

(A) In lieu of qualifying for high school graduation under section 3313.61 of the Revised Code, a student to whom this section applies shall be eligible to receive a high school diploma if:

(1) The student takes all of the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code required for the student or takes the assessment prescribed under section 3313.619 of the Revised Code, as applicable;

(2) Retakes, at least once, any end-of-course examination in the area of English language arts or mathematics for which a student received an equivalent score of lower than "3";

(3) Completes the required units of instruction prescribed by the school district or school;

(4) Meets at least two of the following conditions:

(a) The student has an attendance rate of at least ninety-three per cent during the twelfth grade year.

(b) The student takes at least four full-year or equivalent courses during the twelfth grade year and has at least a grade point average of 2.5 on a 4.0 scale for the courses completed during the twelfth grade year.

(c) During the twelfth grade, the student completed a capstone project as defined by the district or school.

(d) During the twelfth grade, the student completed one hundred twenty hours of work in a community service role or in a position of employment, including internships, work study, co-ops, and apprenticeships

as defined by the district or school.

(e) The student earned three or more transcribed credit hours under the ~~College Credit Plus~~ college credit plus program, established under Chapter 3365. of the Revised Code, at any time during high school.

(f) The student passed an ~~Advanced Placement or International Baccalaureate~~ advanced placement or international baccalaureate course, and received a score of three or higher on the corresponding ~~Advanced Placement advanced placement~~ examination or a score of four or higher on the corresponding ~~International Baccalaureate international baccalaureate~~ examination, at any time during high school.

(g) The student earned at least a level three score on each of the "reading for information," "applied mathematics," and "locating information" components of the job skills assessment selected by the ~~State Board of Education~~ state board of education under division (G) of section 3301.0712 of the Revised Code, or a comparable score on similar components of an successor version of that assessment.

(h) The student obtained an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a group of credentials equal to at least three total points.

(i) The student satisfies the conditions required to receive an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code.

(B) In lieu of qualifying for high school graduation under section 3313.61 of the Revised Code, a student to whom this section applies shall be eligible to receive a high school diploma if:

(1) The student takes all of the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code required for the student or takes the assessment prescribed under section 3313.619 of the Revised Code, as applicable;

(2) Completes the required units of instruction prescribed by the school district or school;

(3) Completes a career-technical training program approved by the ~~Department of Education~~ department of education that includes at least four career-technical courses;

(4) Meets one of the following conditions:

(a) Attains a cumulative score of at least proficient on career-technical education assessments, or test modules, that are required for a career-technical education program;

(b) Obtains an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a group of credentials equal to at least twelve points;

(c) Demonstrates successful workplace participation, as evidenced by documented completion of two hundred fifty hours of workplace experience and evidence of regular, written, positive evaluations from the workplace employer or supervisor and a representative of the school district or school. The workplace participation shall be based on a written agreement signed by the student, a representative of the district or school, and an employer or supervisor.

(C) Nothing in this section shall prohibit a student to whom this section applies from qualifying for a high school diploma under section 3313.618 of the Revised Code if the student meets the conditions prescribed by that section.

(D) As used in this section, "community school" means any community school established under Chapter 3314. and "STEM school" means any science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

**Section 7.** That existing Section 733.67 of Am. Sub. H.B. 49 of the 132nd General Assembly is hereby repealed."

In line 993, delete "6" and insert "8"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Dolan	Eklund	Gardner	Hackett
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Lehner	McColley
Peterson	Terhar	Uecker	Wilson
			Obhof-21

Those who voted in the negative were: Senators

Brown	Manning	O'Brien	Oelslager
Schiavoni	Skindell	Sykes	Tavares
Thomas	Williams		Yuko-11

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 87**, pass?"

The yeas and nays were taken and resulted – yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner

Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Sykes	Tavares	Terhar
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

Senators Schiavoni and Skindell voted in the negative-2.  
So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Lehner moved to amend the title as follows:

Add the names: "Senators Beagle, Coley, Dolan, Eklund, Gardner, Kunze, Oelslager, Peterson, Terhar."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

### MOTIONS

Senator Manning moved that Senators absent the week of Sunday, June 24, 2018, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

**S. B. No. 313** - Senator Schiavoni.

Cosponsors: Senators Thomas, Williams, Brown, Tavares, Yuko, O'Brien, Sykes.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301 of the Revised Code to establish the College Application Month program.

**S. B. No. 314** - Senator Schiavoni.

Cosponsors: Senators Thomas, Williams, Brown, Tavares, Yuko, O'Brien, Sykes.

To amend sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, with regard to mental health services in public and nonpublic schools, to require school districts to employ school psychologists and

intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation.

### OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 630** - Senator Balderson.

Honoring Joseph Clifford as the 2018 Division II State Champion in the 110- and 300-meter hurdles.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

On the motion of Senator Peterson, the Senate recessed until 8:05 p.m.

The Senate met pursuant to the recess.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. Sub. S. B. No. 66** -Senators Eklund, Tavares

Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson Representatives Manning, Celebrezze, Rogers, Anielski, Barnes, Craig, Dever, Green, Hambley, Holmes, Howse, Johnson, Lang, Lepore-Hagan, O'Brien, Perales, Ramos, Rezabek, Seitz, Sheehy, West

To amend sections 2929.11, 2929.13, 2929.15, 2929.16, 2929.19, 2935.36, 2951.041, 2953.31, 2953.32, 2967.16, 2967.191, 2967.28, 5120.114, 5120.115, 5503.02, and 5747.99 of the Revised Code to modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or



terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 1606, after "more" insert "offenses"

In line 1607, after "five" insert "felonies"; delete "offenses"

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 66**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Sykes	Tavares	Terhar
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

So the Senate concurred in the amendments of the House of Representatives.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. S. B. No. 127** -Senator LaRose

Cosponsors: Senators Beagle, Gardner, Manning, Hottinger, Yuko, Hite, Uecker, Brown, Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Lehner, Obhof, O'Brien, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Williams, Wilson Representatives Anielski, Blessing, Brown, Celebrezze, Cera, Craig, Dever, Ginter, Green, Hughes, Kelly, Landis, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patton, Ramos, Rogers, Sheehy, Smith, K., West

To amend sections 4511.01, 4511.213, and 4513.17 of the Revised Code to require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

With the following additional amendment, in which the concurrence of the Senate is requested.

After line 515, insert:

"(E) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense."

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Am. S. B. No. 127**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Sykes	Tavares	Terhar
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

So the Senate concurred in the amendments of the House of

Representatives.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 220** -Senators Hackett, Bacon

Cosponsors: Senators Coley, Burke, Dolan, Hoagland Representatives Anielski, Blessing, Brenner, Carfagna, Dean, Hambley, Lanese, Reineke, Riedel, Roegner, Seitz, Wiggam, Speaker Smith

To amend sections 1306.01 and 3772.01 and to enact sections 1354.01, 1354.02, 1354.03, 1354.04, and 1354.05 of the Revised Code to provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 220**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Sykes	Tavares	Terhar
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

So the Senate concurred in the amendments of the House of Representatives.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 239** -Senator Dolan

Cosponsors: Senators Lehner, Beagle, Coley, Brown, Hackett, Hoagland, Huffman, O'Brien, Peterson, Schiavoni, Sykes, Wilson Representatives Hambley, Anielski, Ashford, Brenner, Carfagna, Celebrezze, Craig, Edwards, Green, Henne, Holmes, Hoops, Hughes, LaTourette, Leland, Lepore-Hagan, Miller, O'Brien, Rogers, Schaffer, Scherer, Schuring, Sheehy, Sprague, West, Wilkin, Young

To amend sections 102.01, 167.02, 167.04, 167.07, 715.014, 940.07, and 2744.07 and to enact sections 3901.82, 5534.403, 5534.811, and 5534.911 of the Revised Code to modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 239**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman

Jordan  
Manning  
Peterson  
Thomas  
Yuko

Kunze  
McColley  
Sykes  
Uecker

LaRose  
O'Brien  
Tavares  
Williams

Lehner  
Oelslager  
Terhar  
Wilson  
Obhof-30

So the Senate concurred in the amendments of the House of Representatives.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

#### **Am. Sub. S. B. No. 216** -Senator Huffman

Cosponsors: Senators Terhar, Jordan, Coley, Gardner, Wilson, Bacon, Balderson, Beagle, Burke, Dolan, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Williams, Yuko Representatives Brenner, Cupp, Hambley, Henne, Blessing, Carfagna, Faber, Hagan, Riedel, Romanchuk, Schaffer, Seitz, Slaby, Wiggam, Speaker Smith

To amend sections 103.49, 3301.078, 3301.0711, 3301.0715, 3302.03, 3311.78, 3311.79, 3313.603, 3313.814, 3314.02, 3314.03, 3314.08, 3317.141, 3319.075, 3319.081, 3319.111, 3319.112, 3319.22, 3319.229, 3319.283, 3321.191, 3323.022, 3323.11, 3324.07, 3326.13, and 5705.391; to enact new sections 3319.074 and 3319.226 and sections 3301.68, 3302.101, 3302.102, 3314.043, 3314.231, 3319.262, 3319.361, and 3357.022; and to repeal sections 3319.074, 3319.114, 3319.226, and 3319.58 of the Revised Code to enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 8 of the title, after "3302.101," insert "3302.102,"

In line 25 of the title, after "3302.101," insert "3302.102,"

Between lines 1500 and 1501, insert:

**"Sec. 3302.102. Following the submission of the report required under section 3302.101 of the Revised Code, the joint education oversight committee shall review the report and hold at least one public hearing on the**

report."

In line 5 of the title, delete "3321.191,"

In line 22, delete "3321.191,"

Delete lines 4535 through 4707

In line 4885, delete "3321.191,"

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 216**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 28, nays 1, as follows:

Those who voted in the affirmative were: Senators

Beagle	Burke	Coley	Dolan
Eklund	Gardner	Hackett	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	McColley
O'Brien	Oelslager	Peterson	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-28

Senator Brown voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 221** -Senator Uecker

Cosponsors: Senators Huffman, Beagle, Sykes, Coley, LaRose, Balderson, Dolan, Hackett, Hoagland, Jordan, Kunze, Manning, McColley, Obhof, Oelslager, Peterson, Terhar Representatives Anielski, Becker, Blessing, Brenner, Butler, Carfagna, Dean, Faber, Gavarone, Green, Hambley, Henne,

Hill, Hood, Koehler, Landis, Lanese, Lang, Patton, Perales, Reineke, Retherford, Rezabek, Riedel, Roegner, Romanchuk, Ryan, Scherer, Seitz, Stein, Wiggam, Young

To amend sections 101.35, 103.05, 103.0511, 106.021, 106.03, 106.031, 107.52, 111.15, 119.03, 121.39, 121.71, 121.72, 121.73, 121.74, 121.75, 127.18, 145.09, 742.10, 1707.20, 3304.15, 3307.04, 3309.04, 3375.01, and 5505.04; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 127.18 (106.024); to enact sections 101.352, 101.353, 106.032, 121.93, 121.931, and 121.933; and to repeal section 121.76 of the Revised Code to reform agency rule-making and legislative review thereof.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,  
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 221**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 24, nays 6, as follows:  
Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Senators O'Brien, Sykes, Tavares, Thomas, Williams, and Yuko voted in the negative-6.

So the Senate concurred in the amendments of the House of Representatives.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has

concurred in the passage of the following bill:

**Am. Sub. S. B. No. 299** -Senators Gardner, O'Brien

Cosponsors: Senators Peterson, Brown, Manning, Schiavoni, Dolan, Sykes, Hottinger, Eklund, Beagle, Tavares, Balderson, Hackett, Kunze, LaRose, Lehner, Oelslager, Skindell, Thomas, Williams, Wilson, Yuko Representatives Cera, Gavarone, Green, Patterson, Rogers, Anielski, Arndt, Barnes, Blessing, Boyd, Brenner, Brown, Carfagna, Celebrezze, Clyde, Craig, Dean, Dever, Edwards, Faber, Galonski, Ginter, Hambley, Hill, Holmes, Hoops, Hughes, Johnson, Landis, Lanese, LaTourette, Leland, Lepore-Hagan, Manning, McClain, Miller, O'Brien, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rezabek, Riedel, Ryan, Schaffer, Scherer, Schuring, Seitz, Sheehy, Slaby, Smith, K., Sprague, Stein, Strahorn, West, Wiggam, Wilkin, Young, Speaker Smith

To amend section 5747.50; to enact sections 3333.80, 3333.801, and 3333.802 of the Revised Code; and to amend Sections 211.10, 211.20, 259.10, 259.60, 373.10, 373.20, 381.10, and 381.450 of Am. Sub. H.B. 49 of the 132nd General Assembly, Section 387.10 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, Sections 207.230, 207.440, 221.10, 221.13, 223.10, 223.15, and 223.40 of H.B. 529 of the 132nd General Assembly, and Section 227.10 of H.B. 529 of the 132nd General Assembly, as subsequently amended to credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 8 of the title, delete "and"

In line 10 of the title, after "Assembly" insert ", and Section 227.10 of H.B. 529 of the 132nd General Assembly, as subsequently amended"

In line 1591, after "**10.**" insert "That Section 227.10 of H.B. 529 of the 132nd General Assembly, as amended by Sub. H.B. 292 of the 132nd General Assembly, be amended to read as follows:

**Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY**

Public Safety - Highway Purposes Fund (Fund 5TM0)

C76000	Platform Scales Improvements	\$	350,000
C76035	Alum Creek Facility Renovations	\$	1,500,000



	and Upgrades		
C76036	Shipley Building Renovations	\$	1,500,000
	and Improvements		
C76043	Minor Capital Projects	\$	2,500,000
C76044	OSHP Headquarters/Post	\$	2,000,000
	Renovations and Improvements		
C76045	OSHP Academy Renovations	\$	1,250,000
	and Improvements		
C76050	OSHP Dispatch Center	\$	1,500,000
	Renovations and Improvements		
<del>C76064</del>	<del>Clermont County Sheriff's</del>	<del>\$</del>	<del>500,000</del>
	<del>Safety and Training Center</del>		
TOTAL Public Safety - Highway Purposes Fund		\$	<del>11,100,000</del>
			<u>10,600,000</u>
Administrative Building Fund (Fund 7026)			
C76049	EMA Building Renovations	\$	250,000
	and Improvements		
C76059	Medina County Driving	\$	250,000
	Skills Pad		
C76060	Medina County Safety	\$	400,000
	Services Complex		
C76061	Warren County Drug Taskforce	\$	500,000
	Headquarters		
C76063	Williams County MARCS Tower	\$	400,000
<u>C76065</u>	<u>Clermont County Sheriff's</u>	<u>\$</u>	<u>500,000</u>
	<u>Safety and Training Center</u>		
TOTAL Administrative Building Fund		\$	<del>1,800,000</del>
			<u>2,300,000</u>
TOTAL ALL FUNDS		\$	12,900,000

**Section 11.** That existing Section 227.10 of H.B. 529 of the 132nd General Assembly, as amended by Sub. H.B. 292 of the 132nd General Assembly, is hereby repealed.

**Section 12."**

In line 1589, delete "213.10, 213.13" and insert "221.10, 221.13"

Attest:

Bradley J. Young,

Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 299**, be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Sykes	Tavares	Terhar
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

So the Senate concurred in the amendments of the House of Representatives.

On the motion of Senator Balderson, the Senate adjourned until Thursday, June 28, 2018 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.