

As Reported by the Senate Education Committee

131st General Assembly

Regular Session

Sub. H. B. No. 113

2015-2016

Representatives Grossman, Manning

Cosponsors: Representatives DeVitis, Stinziano, Blessing, Reece, Sheehy, Patterson, Phillips, Slaby, Smith, K., Anielski, Antonio, Baker, Barnes, Bocchieri, Boggs, Boyce, Brown, Celebrezze, Craig, Dever, Driehaus, Fedor, Green, Hambley, Huffman, Johnson, G., Johnson, T., Koehler, Leland, Lepore-Hagan, McClain, O'Brien, M., Pelanda, Perales, Ramos, Rogers, Schuring, Strahorn, Sykes, Terhar, Young

Senators Manning, Gardner, LaRose

A BILL

To amend sections 103.45, 103.48, 103.50, 311.01, 1
3301.54, 3311.191, 3313.60, 3313.617, 3313.662, 2
3313.717, 3314.03, 3314.08, 3317.03, 3317.064, 3
3317.25, 3326.11, 3328.24, 4109.06, 4510.32, 4
4709.04, 4723.651, 4723.74, 4735.09, 4747.10, 5
4758.46, 4758.47, 4779.13, 4779.25, 5104.035, 6
5104.036, 5107.281, 5107.40, 5107.60, 5107.62, 7
5120.031, and 5126.201; to amend, for the 8
purpose of adopting a new section number as 9
indicated in parentheses, section 3313.617 10
(3301.81); to enact new section 103.49 and 11
sections 3301.80, 3313.6021, 3313.6023, and 12
3314.103; and to repeal section 103.49 of the 13
Revised Code to require public schools to 14
provide students with instruction in 15
cardiopulmonary resuscitation and the use of an 16
automated external defibrillator, to require 17
training for certain school employees in the use 18

of an automated external defibrillator, to 19
revise the law regarding the Joint Education 20
Oversight Committee, high school equivalency 21
tests, and the awarding of certificates of high 22
school equivalence, and to make other revisions 23
regarding the operation of primary and secondary 24
schools. 25

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

Section 1. That sections 103.45, 103.48, 103.50, 311.01, 26
3301.054, 3311.191, 3313.60, 3313.617, 3313.662, 3313.717, 27
3314.03, 3314.08, 3317.03, 3317.064, 3317.25, 3326.11, 3328.24, 28
4109.06, 4510.32, 4709.04, 4723.651, 4723.74, 4735.09, 4747.10, 29
4758.46, 4758.47, 4779.13, 4779.25, 5104.035, 5104.036, 30
5107.281, 5107.40, 5107.60, 5107.62, 5120.031, and 5126.201 be 31
amended; section 3313.617 (3301.81) be amended for the purpose 32
of adopting a new section number as indicated in parentheses; 33
and new section 103.49 and sections 3301.80, 3313.6021, 34
3313.6023, and 3314.103 of the Revised Code be enacted to read 35
as follows: 36

Sec. 103.45. (A) The joint education oversight committee 37
of the house of representatives and senate is hereby created. 38
The committee shall authorize a plan of work, which shall 39
include research, review, study, and analysis of current or 40
emerging education policy issues important to the state, the 41
available policy options to address such issues, and the 42
available data and research to support such analysis and 43
options. 44

(B) The committee also may select, for review and 45
evaluation, education programs at school districts, other public 46
schools, and state institutions of higher education that receive 47
state financial assistance in any form. The reviews and 48
evaluations may include any of the following: 49

~~(A)~~ (1) Assessment of the uses school districts, other 50
public schools, and state institutions of higher education make 51
of state money they receive, and a determination of the extent 52
to which that money improves student, district, school, or 53
institutional performance in the areas for which the money was 54
intended to be used; 55

~~(B)~~ (2) Determination of whether an education program meets 56
its intended goals, has adequate operating or administrative 57
procedures and fiscal controls, encompasses only authorized 58
activities, has any undesirable or unintended effects, and is 59
efficiently managed; and 60

~~(C)~~ (3) Examination of pilot programs developed and 61
initiated in school districts, at other public schools, and at 62
state institutions of higher education to determine whether the 63
programs suggest innovative, effective ways to deal with 64
problems that may exist in other districts, schools, or 65
institutions of higher education, or to create opportunities for 66
success, and to assess the fiscal costs and likely impact of 67
adopting the programs throughout the state. 68

(C) The committee ~~shall~~ may prepare a report of the 69
results of each review and evaluation it conducts, make 70
recommendations to the general assembly and shall transmit the 71
report and its recommendations to the general assembly under 72
section 101.68 of the Revised Code. It also may submit the 73
report and its recommendations to the chairpersons and members 74

of the standing committees of the house of representatives and 75
the senate principally responsible for education policy. 76

(D) If the general assembly directs the joint education 77
oversight committee to submit a study to the general assembly by 78
a particular date, the committee, upon a majority vote of its 79
members, may modify the scope and due date of the study to 80
accommodate the availability of data and resources. 81

Sec. 103.48. The chairperson of the joint education 82
oversight committee may request that the superintendent of 83
public instruction or the ~~director~~ chancellor of higher 84
education appear before the committee. If so requested, the 85
superintendent or the ~~director~~ chancellor shall appear before 86
the committee at the time and place specified in the request. 87

Sec. 103.49. The chairperson of the joint education 88
oversight committee may request any state agency or political 89
subdivision to provide to the committee such data, statistics, 90
and other information that is determined to be useful to the 91
work of the committee pursuant to the committee's statutory 92
purposes. To the extent permitted under section 3319.321 of the 93
Revised Code and the "Family Educational Rights and Privacy Act 94
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, any state 95
agency or political subdivision shall provide the committee with 96
the information requested. 97

Sec. 103.50. The joint education oversight committee shall 98
consist of the following members: 99

(A) Five members of the house of representatives appointed 100
by the speaker of the house of representatives, three of whom 101
are members of the majority party and two of whom are members of 102
the minority party; and 103

(B) Five members of the senate appointed by the president 104
of the senate, three of whom are members of the majority party 105
and two of whom are members of the minority party. 106

The term of each member begins on the day of appointment 107
to the committee and ends on expiration or other termination of 108
the member's term as a member of the house of representatives or 109
senate. The speaker and president shall make subsequent 110
appointments not later than fifteen days after the commencement 111
of the first regular session of each general assembly. Members 112
may be reappointed. A vacancy on the committee shall be filled 113
in the same manner as the original appointment. 114

In odd-numbered years, the speaker shall designate one of 115
the majority members from the house of representatives as 116
chairperson and the president shall designate one ~~of the~~ 117
~~minority members~~ member from the senate, who is not from the 118
same political party as the chairperson, as the ranking ~~minority~~ 119
member. In even-numbered years, the president shall designate 120
one of the majority members from the senate as the chairperson 121
and the speaker shall designate one ~~of the minority members~~ 122
member from the house of representatives, who is not from the 123
same political party as the chairperson, as the ranking ~~minority~~ 124
member. 125

In appointing members from the minority, and in 126
designating ranking ~~minority members~~ who are from the minority, 127
the president and speaker shall consult with the minority leader 128
of their respective houses. 129

The committee shall meet at the call of the chairperson. 130
The ~~chairperson~~ committee shall meet not less often than once 131
each calendar month, unless the chairperson and ranking ~~minority~~ 132
member agree that the chairperson should not call the committee 133

to meet for a particular month. 134

Notwithstanding section 101.26 of the Revised Code, the 135
members, when engaged in their duties as members of the 136
committee on days when there is not a voting session of the 137
member's house of the general assembly, shall be paid at the per 138
diem rate of one hundred fifty dollars, and their necessary 139
traveling expenses. These amounts shall be paid from the funds 140
appropriated for the payment of expenses of legislative 141
committees. 142

The chairperson, when authorized by the committee and the 143
president and speaker, may issue subpoenas and subpoenas duces 144
tecum in aid of the committee's performance of its duties. A 145
subpoena may require a witness in any part of the state to 146
appear before the committee at a time and place designated in 147
the subpoena to testify. A subpoena duces tecum may require 148
witnesses or other persons in any part of the state to produce 149
books, papers, records, and other tangible evidence before the 150
committee at a time and place designated in the subpoena duces 151
tecum. A subpoena or subpoena duces tecum shall be issued, 152
served, and returned, and has consequences, as specified in 153
sections 101.41 to 101.45 of the Revised Code. 154

The chairperson may administer oaths to witnesses 155
appearing before the committee. 156

Sec. 311.01. (A) A sheriff shall be elected quadrennially 157
in each county. A sheriff shall hold office for a term of four 158
years, beginning on the first Monday of January next after the 159
sheriff's election. 160

(B) Except as otherwise provided in this section, no 161
person is eligible to be a candidate for sheriff, and no person 162

shall be elected or appointed to the office of sheriff, unless 163
that person meets all of the following requirements: 164

(1) The person is a citizen of the United States. 165

(2) The person has been a resident of the county in which 166
the person is a candidate for or is appointed to the office of 167
sheriff for at least one year immediately prior to the 168
qualification date. 169

(3) The person has the qualifications of an elector as 170
specified in section 3503.01 of the Revised Code and has 171
complied with all applicable election laws. 172

(4) The person has been awarded a high school diploma or a 173
certificate of high school equivalence issued for achievement of 174
specified minimum scores on ~~the general educational development~~ 175
~~test of the American council on education~~ a high school 176
equivalency test approved by the department of education 177
pursuant to division (B) of section 3301.80 of the Revised Code. 178

(5) The person has not been convicted of or pleaded guilty 179
to a felony or any offense involving moral turpitude under the 180
laws of this or any other state or the United States, and has 181
not been convicted of or pleaded guilty to an offense that is a 182
misdemeanor of the first degree under the laws of this state or 183
an offense under the laws of any other state or the United 184
States that carries a penalty that is substantially equivalent 185
to the penalty for a misdemeanor of the first degree under the 186
laws of this state. 187

(6) The person has been fingerprinted and has been the 188
subject of a search of local, state, and national fingerprint 189
files to disclose any criminal record. Such fingerprints shall 190
be taken under the direction of the administrative judge of the 191

court of common pleas who, prior to the applicable qualification date, shall notify the board of elections, board of county commissioners, or county central committee of the proper political party, as applicable, of the judge's findings.

(7) The person has prepared a complete history of the person's places of residence for a period of six years immediately preceding the qualification date and a complete history of the person's places of employment for a period of six years immediately preceding the qualification date, indicating the name and address of each employer and the period of time employed by that employer. The residence and employment histories shall be filed with the administrative judge of the court of common pleas of the county, who shall forward them with the findings under division (B) (6) of this section to the appropriate board of elections, board of county commissioners, or county central committee of the proper political party prior to the applicable qualification date.

(8) The person meets at least one of the following conditions:

(a) Holds a current valid peace officer certificate of training issued by the Ohio peace officer training commission or has been issued a certificate of training pursuant to section 5503.05 of the Revised Code;

(b) Has been employed full-time by a law enforcement agency performing duties related to the enforcement of statutes, ordinances, or codes for a minimum of thirteen consecutive pay periods within the four-year period prior to the qualification date. As used in this division, "full-time" means a minimum of eighty hours of work in a fourteen-day period.

(9) The person meets at least one of the following	221
conditions:	222
(a) Has at least two consecutive years of supervisory	223
experience as a peace officer at the rank of sergeant or above;	224
(b) Has completed a bachelor's degree in any field or has	225
an associate degree in law enforcement or criminal justice from	226
a college or university authorized to confer degrees by the Ohio	227
board of regents or the comparable agency of another state in	228
which the college or university is located.	229
(C) Persons who meet the requirements of division (B) of	230
this section, except the requirement of division (B) (2) of this	231
section, may take all actions otherwise necessary to comply with	232
division (B) of this section. If, on the applicable	233
qualification date, no person has met all the requirements of	234
division (B) of this section, then persons who have complied	235
with and meet the requirements of division (B) of this section,	236
except the requirement of division (B) (2) of this section, shall	237
be considered qualified candidates under division (B) of this	238
section.	239
(D) Newly elected sheriffs shall attend a basic training	240
course conducted by the Ohio peace officer training commission	241
pursuant to division (A) of section 109.80 of the Revised Code.	242
A newly elected sheriff shall complete not less than two weeks	243
of this course before the first Monday in January next after the	244
sheriff's election. While attending the basic training course, a	245
newly elected sheriff may, with the approval of the board of	246
county commissioners, receive compensation, paid for from funds	247
established by the sheriff's county for this purpose, in the	248
same manner and amounts as if carrying out the powers and duties	249
of the office of sheriff.	250

Appointed sheriffs shall attend the first basic training 251
course conducted by the Ohio peace officer training commission 252
pursuant to division (A) of section 109.80 of the Revised Code 253
within six months following the date of appointment or election 254
to the office of sheriff. While attending the basic training 255
course, appointed sheriffs shall receive regular compensation in 256
the same manner and amounts as if carrying out their regular 257
powers and duties. 258

Five days of instruction at the basic training course 259
shall be considered equal to one week of work. The costs of 260
conducting the basic training course and the costs of meals, 261
lodging, and travel of appointed and newly elected sheriffs 262
attending the course shall be paid from state funds appropriated 263
to the commission for this purpose. 264

(E) In each calendar year, each sheriff shall attend and 265
successfully complete at least sixteen hours of continuing 266
education approved under division (B) of section 109.80 of the 267
Revised Code. A sheriff who receives a waiver of the continuing 268
education requirement from the commission under division (C) of 269
section 109.80 of the Revised Code because of medical disability 270
or for other good cause shall complete the requirement at the 271
earliest time after the disability or cause terminates. 272

(F) (1) Each person who is a candidate for election to or 273
who is under consideration for appointment to the office of 274
sheriff shall swear before the administrative judge of the court 275
of common pleas as to the truth of any information the person 276
provides to verify the person's qualifications for the office. A 277
person who violates this requirement is guilty of falsification 278
under section 2921.13 of the Revised Code. 279

(2) Each board of elections shall certify whether or not a 280

candidate for the office of sheriff who has filed a declaration 281
of candidacy, a statement of candidacy, or a declaration of 282
intent to be a write-in candidate meets the qualifications 283
specified in divisions (B) and (C) of this section. 284

(G) The office of a sheriff who is required to comply with 285
division (D) or (E) of this section and who fails to 286
successfully complete the courses pursuant to those divisions is 287
hereby deemed to be vacant. 288

(H) As used in this section: 289

(1) "Qualification date" means the last day on which a 290
candidate for the office of sheriff can file a declaration of 291
candidacy, a statement of candidacy, or a declaration of intent 292
to be a write-in candidate, as applicable, in the case of a 293
primary election for the office of sheriff; the last day on 294
which a person may be appointed to fill a vacancy in a party 295
nomination for the office of sheriff under Chapter 3513. of the 296
Revised Code, in the case of a vacancy in the office of sheriff; 297
or a date thirty days after the day on which a vacancy in the 298
office of sheriff occurs, in the case of an appointment to such 299
a vacancy under section 305.02 of the Revised Code. 300

(2) "Newly elected sheriff" means a person who did not 301
hold the office of sheriff of a county on the date the person 302
was elected sheriff of that county. 303

Sec. 3301.54. (A) (1) Each preschool program shall be 304
directed and supervised by a director, a head teacher, an 305
elementary principal, or a site administrator who is on site and 306
responsible for supervision of the program. Except as otherwise 307
provided in division (A) (2) ~~or~~ (3) ~~or (4)~~ of this section, 308
this person shall hold a valid educator license designated as 309

appropriate for teaching or being an administrator in a 310
preschool setting issued pursuant to section 3319.22 of the 311
Revised Code and have completed at least four courses in child 312
development or early childhood education from an accredited 313
college, university, or technical college. 314

(2) If the person was employed prior to July 1, 1988, by a 315
school district board of education or an eligible nonpublic 316
school to direct a preschool program, the person shall be 317
considered to meet the requirements of this section if the 318
person holds a valid kindergarten-primary certificate described 319
under former division (A) of section 3319.22 of the Revised Code 320
as it existed on January 1, 1996. 321

(3) If the person is employed to direct a preschool 322
program operated by an eligible, nontax-supported, nonpublic 323
school, the person shall be considered to meet the requirements 324
of this section if the person holds a valid teaching certificate 325
issued in accordance with section 3301.071 of the Revised Code. 326

(B) Each preschool staff member shall be at least eighteen 327
years of age and have a high school diploma or a ~~certification-~~ 328
certificate of high school ~~equivalency~~ equivalence issued by 329
the ~~state board-~~ department of education or a ~~comparable-~~ 330
primary-secondary education or higher education agency of 331
another state, except that a staff member may be less than 332
eighteen years of age if the staff member is a graduate of a 333
two-year vocational child-care training program approved by the 334
state board of education, or is a student enrolled in the second 335
year of such a program that leads to high school graduation, 336
provided that the student performs duties in the preschool 337
program under the continuous supervision of an experienced 338
preschool staff member and receives periodic supervision from 339

the vocational child-care training program teacher-coordinator 340
in the student's high school. 341

A preschool staff member shall annually complete fifteen 342
hours of inservice training in child development or early 343
childhood education, child abuse recognition and prevention, and 344
first aid, and in the prevention, recognition, and management of 345
communicable diseases, until a total of forty-five hours has 346
been completed, unless the staff member holds an associate or 347
higher degree in child development or early childhood education 348
from an accredited college, university, or technical college, or 349
any type of educator license designated as appropriate for 350
teaching in an associate teaching position in a preschool 351
setting issued by the state board of education pursuant to 352
section 3319.22 of the Revised Code. 353

Sec. 3301.80. (A) The department of education shall award 354
a certificate of high school equivalence to each person who 355
achieves the equivalent of a high school education, as measured 356
by scores obtained on a high school equivalency test approved by 357
the department pursuant to division (B) of this section. Each 358
certificate awarded under this section shall be signed by the 359
superintendent of public instruction and the president of the 360
state board of education. 361

Notwithstanding anything to the contrary in the Revised 362
Code, a person who seeks to obtain a certificate of high school 363
equivalence shall be subject to the requirements of section 364
3301.81 of the Revised Code. 365

(B) The department shall approve at least two nationally 366
recognized high school equivalency tests for the purpose of 367
awarding certificates of high school equivalence under this 368
section. For each test approved pursuant to division (B) of this 369

section, the department shall ensure that the scores required 370
for passage are equivalent to the scores required for passage on 371
the other approved equivalency tests. 372

(C) All of the following shall be considered the 373
equivalent of a certificate of high school equivalence awarded 374
by the department under this section: 375

(1) A high school equivalence diploma or a certificate of 376
high school equivalence awarded by the state board of education 377
prior to the effective date of this section; 378

(2) A certificate of high school equivalence issued prior 379
to January 1, 1994, attesting to the achievement of the 380
equivalent of a high school education as measured by scores 381
obtained on tests of general educational development; 382

(3) A statement issued by a primary-secondary education or 383
higher education agency of another state that indicates that its 384
holder has achieved the equivalent of a high school education as 385
measured by scores obtained on a similar nationally recognized 386
high school equivalency test. 387

(D) The state board, in consultation with the chancellor 388
of higher education, shall adopt rules to administer this 389
section and section 3301.81 of the Revised Code. 390

Sec. ~~3313.617~~ 3301.81. (A) A person who meets all of the 391
following criteria shall be permitted to take ~~the tests of~~ 392
~~general educational development~~ a high school equivalency test 393
approved by the department of education pursuant to division (B) 394
of section 3301.80 of the Revised Code: 395

(1) The person is at least eighteen years of age. 396

(2) The person is officially withdrawn from school. 397

(3) The person has not received a high school diploma or 398
honors diploma awarded under section 3313.61, 3313.611, 399
3313.612, or 3325.08 of the Revised Code. 400

(B) ~~(1)~~—A person who is at least sixteen years of age but 401
less than eighteen years of age may apply to the department of 402
~~education to take the tests of general educational development~~ 403
an approved equivalency test, so long as the person ~~has~~ meets 404
all of the following criteria: 405

(1) The person has not received a high school diploma or 406
honors diploma awarded under section 3313.61, 3313.611, 407
3313.612, or 3325.08 of the Revised Code. 408

~~In order to apply, the~~ (2) The person is officially 409
withdrawn from school. 410

(3) The person shall submit ~~submits~~, along with the 411
application, ~~both of the following:~~ 412

~~(a) Written~~ written approval from the person's parent or 413
guardian or a court official;— 414

~~(b) The person's official high school transcript. The~~ 415
~~transcript shall include, at a minimum, the previous twelve~~ 416
~~months of the person's enrollment in a program approved to grant~~ 417
~~a high school diploma.~~ 418

~~(2) The department shall determine whether to approve or~~ 419
~~deny applications submitted under division (B) (1) of this~~ 420
~~section. The department shall approve a person's application~~ 421
~~only if the person meets both of the following criteria:~~ 422

~~(a) The person has been continuously enrolled in a program~~ 423
~~approved to grant a high school diploma for at least one~~ 424
~~semester and attained an attendance rate of at least seventy~~ 425

~~five per cent during that semester.~~ 426

~~(b) The person shows good cause, as determined by rules adopted by the department pursuant to division (B) (3) of this section.~~ 427
428
429

~~(3) The state board of education shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the administration of division (B) of this section. The rules shall include what qualifies as good cause for purposes of that division.~~ 430
431
432
433
434

~~(C) If a person's application is approved under division (B) of this section, that person shall remain enrolled in school and maintain an attendance rate of at least seventy five per cent until either:~~ 435
436
437
438

~~(1) The person passes all required sections of the tests of general educational development; or~~ 439
440

~~(2) The person is eighteen years of age.~~ 441

~~(D) Notwithstanding divisions (A) and (B) of this section, a person who meets any of the following criteria shall be permitted to take the tests of general educational development:~~ 442
443
444

~~(1) The person has a bodily or mental condition as described in division (A) (1) of section 3321.04 of the Revised Code that does not permit attendance at school.~~ 445
446
447

~~(2) The person is receiving or has completed the final year of instruction at home as authorized under division (A) (2) of section 3321.04 of the Revised Code.~~ 448
449
450

~~(3) The person is moving or has moved out of state after previously attending school in the state.~~ 451
452

~~(4) The person has an extreme, extenuating circumstance, as determined by the department, that requires the person to withdraw from school.~~ 453
454
455

~~(E)~~ (C) For the purpose of calculating graduation rates 456
for the school district and building report cards under section 457
3302.03 of the Revised Code, the department shall count any 458
person who officially withdraws from school to take ~~the tests of~~ 459
~~general educational development~~ an approved equivalency test 460
under this section as a dropout from the district or school in 461
which the person was last enrolled. 462

~~(F)~~ (D) If a person takes ~~the tests of general educational~~ 463
~~development~~ an approved equivalency test and fails to attain the 464
scores required to earn a certificate of high school equivalence 465
~~diploma~~, as defined in section 5107.40 of the Revised Code, on 466
the entire battery of tests, that person shall be required to 467
retake only the specific test on which the person did not attain 468
a passing score in order to earn a certificate of high school 469
~~equivalence diploma~~. If a person retakes a specific test, that 470
person shall be responsible only for the cost of that test and 471
not for the cost of the entire battery of tests, unless that 472
person is retaking the entire battery. 473

Sec. 3311.191. (A) (1) Subject to division ~~(B)~~ (A) (2) of 474
this section, if a joint vocational school district has an even 475
number of member districts each appointing a member to the joint 476
vocational school district board of education and the joint 477
vocational school district's plan on file with the department of 478
education provides for one additional board member to be 479
appointed on a rotating basis by one of the appointing boards, 480
the term of that additional member shall be for one year. The 481
additional member shall otherwise meet the requirements for 482

joint vocational school board members prescribed by section 483
3311.19 of the Revised Code. 484

~~(B)(2)~~ If an additional member of a joint vocational 485
school district board appointed on a rotating basis, as 486
described in division (A)(1) of this section, was appointed on 487
or after September 29, 2013, but prior to ~~the effective date of~~ 488
~~this section September 29, 2015,~~ that member may continue in 489
office until the expiration of the member's current term of 490
office. If such member vacates that office for any reason prior 491
to the expiration of that member's term, a new additional member 492
shall be appointed according to the rotational basis prescribed 493
by the district's plan, and that member shall serve for the 494
remainder of the vacating member's term. Thereafter, the term of 495
office of the additional member shall be as prescribed by 496
division (A)(1) of this section. 497

(B) If a joint vocational school district board of 498
education has more than thirty members, the board may submit an 499
application to the superintendent of public instruction for 500
approval to revise its membership plan to stagger the members' 501
terms of office. Each board eligible to submit an application 502
under this section, may do so only one time. The application 503
shall include the revisions proposed to be made to members' 504
terms, the manner by which the terms shall be staggered, and any 505
other information the state superintendent requires. 506

Sec. 3313.60. Notwithstanding division (D) of section 507
3311.52 of the Revised Code, divisions (A) to (E) of this 508
section do not apply to any cooperative education school 509
district established pursuant to divisions (A) to (C) of section 510
3311.52 of the Revised Code. 511

(A) The board of education of each city, exempted village, 512

and local school district and the board of each cooperative 513
education school district established, pursuant to section 514
3311.521 of the Revised Code, shall prescribe a curriculum for 515
all schools under its control. Except as provided in division 516
(E) of this section, in any such curriculum there shall be 517
included the study of the following subjects: 518

(1) The language arts, including reading, writing, 519
spelling, oral and written English, and literature; 520

(2) Geography, the history of the United States and of 521
Ohio, and national, state, and local government in the United 522
States, including a balanced presentation of the relevant 523
contributions to society of men and women of African, Mexican, 524
Puerto Rican, and American Indian descent as well as other 525
ethnic and racial groups in Ohio and the United States; 526

(3) Mathematics; 527

(4) Natural science, including instruction in the 528
conservation of natural resources; 529

(5) Health education, which shall include instruction in: 530

(a) The nutritive value of foods, including natural and 531
organically produced foods, the relation of nutrition to health, 532
and the use and effects of food additives; 533

(b) The harmful effects of and legal restrictions against 534
the use of drugs of abuse, alcoholic beverages, and tobacco; 535

(c) Venereal disease education, except that upon written 536
request of the student's parent or guardian, a student shall be 537
excused from taking instruction in venereal disease education; 538

(d) In grades kindergarten through six, instruction in 539
personal safety and assault prevention, except that upon written 540

request of the student's parent or guardian, a student shall be 541
excused from taking instruction in personal safety and assault 542
prevention; 543

(e) In grades seven through twelve, age-appropriate 544
instruction in dating violence prevention education, which shall 545
include instruction in recognizing dating violence warning signs 546
and characteristics of healthy relationships. 547

In order to assist school districts in developing a dating 548
violence prevention education curriculum, the department of 549
education shall provide on its web site links to free curricula 550
addressing dating violence prevention. 551

If the parent or legal guardian of a student less than 552
eighteen years of age submits to the principal of the student's 553
school a written request to examine the dating violence 554
prevention instruction materials used at that school, the 555
principal, within a reasonable period of time after the request 556
is made, shall allow the parent or guardian to examine those 557
materials at that school. 558

(f) Prescription opioid abuse prevention, with an emphasis 559
on the prescription drug epidemic and the connection between 560
prescription opioid abuse and addiction to other drugs, such as 561
heroin. 562

(6) Physical education; 563

(7) The fine arts, including music; 564

(8) First aid, including a training program in 565
cardiopulmonary resuscitation, which shall comply with section 566
3313.6021 of the Revised Code when offered in any of grades nine 567
through twelve, safety, and fire prevention, ~~except that~~. 568
However, upon written request of the student's parent or 569

guardian, a student shall be excused from taking instruction in 570
cardiopulmonary resuscitation. 571

(B) Except as provided in division (E) of this section, 572
every school or school district shall include in the 573
requirements for promotion from the eighth grade to the ninth 574
grade one year's course of study of American history. A board 575
may waive this requirement for academically accelerated students 576
who, in accordance with procedures adopted by the board, are 577
able to demonstrate mastery of essential concepts and skills of 578
the eighth grade American history course of study. 579

(C) As specified in divisions (B) (6) and (C) (6) of section 580
3313.603 of the Revised Code, except as provided in division (E) 581
of this section, every high school shall include in the 582
requirements for graduation from any curriculum one-half unit 583
each of American history and government. 584

(D) Except as provided in division (E) of this section, 585
basic instruction or demonstrated mastery in geography, United 586
States history, the government of the United States, the 587
government of the state of Ohio, local government in Ohio, the 588
Declaration of Independence, the United States Constitution, and 589
the Constitution of the state of Ohio shall be required before 590
pupils may participate in courses involving the study of social 591
problems, economics, foreign affairs, United Nations, world 592
government, socialism, and communism. 593

(E) For each cooperative education school district 594
established pursuant to section 3311.521 of the Revised Code and 595
each city, exempted village, and local school district that has 596
territory within such a cooperative district, the curriculum 597
adopted pursuant to divisions (A) to (D) of this section shall 598
only include the study of the subjects that apply to the grades 599

operated by each such school district. The curriculums for such 600
schools, when combined, shall provide to each student of these 601
districts all of the subjects required under divisions (A) to 602
(D) of this section. 603

(F) The board of education of any cooperative education 604
school district established pursuant to divisions (A) to (C) of 605
section 3311.52 of the Revised Code shall prescribe a curriculum 606
for the subject areas and grade levels offered in any school 607
under its control. 608

(G) Upon the request of any parent or legal guardian of a 609
student, the board of education of any school district shall 610
permit the parent or guardian to promptly examine, with respect 611
to the parent's or guardian's own child: 612

(1) Any survey or questionnaire, prior to its 613
administration to the child; 614

(2) Any textbook, workbook, software, video, or other 615
instructional materials being used by the district in connection 616
with the instruction of the child; 617

(3) Any completed and graded test taken or survey or 618
questionnaire filled out by the child; 619

(4) Copies of the statewide academic standards and each 620
model curriculum developed pursuant to section 3301.079 of the 621
Revised Code, which copies shall be available at all times 622
during school hours in each district school building. 623

Sec. 3313.6021. (A) As used in this section, "psychomotor 624
skills" means the use of hands-on practice to support cognitive 625
learning. 626

(B) Beginning with the 2017-2018 school year, except as 627

provided in division (E) of this section, each school operated 628
by a school district which offers grades nine to twelve shall 629
provide instruction in cardiopulmonary resuscitation and the use 630
of an automated external defibrillator. 631

Instruction shall include the psychomotor skills necessary 632
to perform cardiopulmonary resuscitation and use an automated 633
external defibrillator and shall be either of the following: 634

(1) An instructional program developed by the American 635
heart association or the American red cross that includes 636
instruction in cardiopulmonary resuscitation and the use of an 637
automated external defibrillator; 638

(2) An instructional program that is nationally recognized 639
and based on the most current national, evidence-based emergency 640
cardiovascular care guidelines for cardiopulmonary resuscitation 641
and the use of an automated external defibrillator. 642

(C) No student shall receive certification in 643
cardiopulmonary resuscitation and the use of an automated 644
external defibrillator unless the student is trained by an 645
authorized or certified instructor. 646

(D) Nothing in this section requires a licensed educator 647
to be certified to provide training in the manner prescribed by 648
this section to facilitate, provide, or oversee instruction in 649
cardiopulmonary resuscitation and the use of an automated 650
external defibrillator that does not result in certification of 651
students. 652

(E) If a student is excused from taking instruction in 653
cardiopulmonary resuscitation under division (A) (8) of section 654
3313.60 of the Revised Code or if the student is a child with a 655
disability and is incapable of performing the psychomotor skills 656

required to perform cardiopulmonary resuscitation and to use an 657
automated external defibrillator, as indicated in the student's 658
IEP, the student shall not be required to receive instruction as 659
prescribed by this section. As used in this section, "child with 660
a disability" and "IEP" have the same meanings as in section 661
3323.01 of the Revised Code. 662

Sec. 3313.6023. The board of education of each school 663
district shall provide training in the use of an automated 664
external defibrillator to each person employed by that district. 665
This training may be incorporated into the in-service training 666
required by division (A) of section 3319.073 of the Revised 667
Code. For this purpose, the board shall use one of the 668
instructional programs listed in divisions (B)(1) and (2) of 669
section 3313.6021 of the Revised Code. 670

Each person to whom this section applies shall complete 671
the training not later than July 1, 2018, and at least once 672
every five years thereafter. 673

Sec. 3313.662. (A) The superintendent of public 674
instruction, pursuant to this section and the adjudication 675
procedures of section 3301.121 of the Revised Code, may issue an 676
adjudication order that permanently excludes a pupil from 677
attending any of the public schools of this state if the pupil 678
is convicted of, or adjudicated a delinquent child for, 679
committing, when the pupil was sixteen years of age or older, an 680
act that would be a criminal offense if committed by an adult 681
and if the act is any of the following: 682

(1) A violation of section 2923.122 of the Revised Code; 683

(2) A violation of section 2923.12 of the Revised Code, of 684
a substantially similar municipal ordinance, or of section 685

2925.03 of the Revised Code that was committed on property owned 686
or controlled by, or at an activity held under the auspices of, 687
a board of education of a city, local, exempted village, or 688
joint vocational school district; 689

(3) A violation of section 2925.11 of the Revised Code, 690
other than a violation of that section that would be a minor 691
drug possession offense, that was committed on property owned or 692
controlled by, or at an activity held under the auspices of, the 693
board of education of a city, local, exempted village, or joint 694
vocational school district; 695

(4) A violation of section 2903.01, 2903.02, 2903.03, 696
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 697
section 2907.12 of the Revised Code that was committed on 698
property owned or controlled by, or at an activity held under 699
the auspices of, a board of education of a city, local, exempted 700
village, or joint vocational school district, if the victim at 701
the time of the commission of the act was an employee of that 702
board of education; 703

(5) Complicity in any violation described in division (A) 704
(1), (2), (3), or (4) of this section that was alleged to have 705
been committed in the manner described in division (A) (1), (2), 706
(3), or (4) of this section, regardless of whether the act of 707
complicity was committed on property owned or controlled by, or 708
at an activity held under the auspices of, a board of education 709
of a city, local, exempted village, or joint vocational school 710
district. 711

(B) A pupil may be suspended or expelled in accordance 712
with section 3313.66 of the Revised Code prior to being 713
permanently excluded from public school attendance under this 714
section and section 3301.121 of the Revised Code. 715

(C) (1) If the superintendent of a city, local, exempted
village, or joint vocational school district in which a pupil
attends school obtains or receives proof that the pupil has been
convicted of committing when the pupil was sixteen years of age
or older a violation listed in division (A) of this section or
adjudicated a delinquent child for the commission when the pupil
was sixteen years of age or older of a violation listed in
division (A) of this section, the superintendent may issue to
the board of education of the school district a request that the
pupil be permanently excluded from public school attendance, if
both of the following apply:

(a) After obtaining or receiving proof of the conviction
or adjudication, the superintendent or the superintendent's
designee determines that the pupil's continued attendance in
school may endanger the health and safety of other pupils or
school employees and gives the pupil and the pupil's parent,
guardian, or custodian written notice that the superintendent
intends to recommend to the board of education that the board
adopt a resolution requesting the superintendent of public
instruction to permanently exclude the pupil from public school
attendance.

(b) The superintendent or the superintendent's designee
forwards to the board of education the superintendent's written
recommendation that includes the determinations the
superintendent or designee made pursuant to division (C) (1) (a)
of this section and a copy of the proof the superintendent
received showing that the pupil has been convicted of or
adjudicated a delinquent child for a violation listed in
division (A) of this section that was committed when the pupil
was sixteen years of age or older.

(2) Within fourteen days after receipt of a recommendation	746
from the superintendent pursuant to division (C) (1) (b) of this	747
section that a pupil be permanently excluded from public school	748
attendance, the board of education of a city, local, exempted	749
village, or joint vocational school district, after review and	750
consideration of all of the following available information, may	751
adopt a resolution requesting the superintendent of public	752
instruction to permanently exclude the pupil who is the subject	753
of the recommendation from public school attendance:	754
(a) The academic record of the pupil and a record of any	755
extracurricular activities in which the pupil previously was	756
involved;	757
(b) The disciplinary record of the pupil and any available	758
records of the pupil's prior behavioral problems other than the	759
behavioral problems contained in the disciplinary record;	760
(c) The social history of the pupil;	761
(d) The pupil's response to the imposition of prior	762
discipline and sanctions imposed for behavioral problems;	763
(e) Evidence regarding the seriousness of and any	764
aggravating factors related to the offense that is the basis of	765
the resolution seeking permanent exclusion;	766
(f) Any mitigating circumstances surrounding the offense	767
that gave rise to the request for permanent exclusion;	768
(g) Evidence regarding the probable danger posed to the	769
health and safety of other pupils or of school employees by the	770
continued presence of the pupil in a public school setting;	771
(h) Evidence regarding the probable disruption of the	772
teaching of any school district's graded course of study by the	773

continued presence of the pupil in a public school setting; 774

(i) Evidence regarding the availability of alternative 775
sanctions of a less serious nature than permanent exclusion that 776
would enable the pupil to remain in a public school setting 777
without posing a significant danger to the health and safety of 778
other pupils or of school employees and without posing a threat 779
of the disruption of the teaching of any district's graded 780
course of study. 781

(3) If the board does not adopt a resolution requesting 782
the superintendent of public instruction to permanently exclude 783
the pupil, it immediately shall send written notice of that fact 784
to the superintendent who sought the resolution, to the pupil 785
who was the subject of the proposed resolution, and to that 786
pupil's parent, guardian, or custodian. 787

(D) (1) Upon adoption of a resolution under division (C) of 788
this section, the board of education immediately shall forward 789
to the superintendent of public instruction the written 790
resolution, proof of the conviction or adjudication that is the 791
basis of the resolution, a copy of the pupil's entire school 792
record, and any other relevant information and shall forward a 793
copy of the resolution to the pupil who is the subject of the 794
recommendation and to that pupil's parent, guardian, or 795
custodian. 796

(2) The board of education that adopted and forwarded the 797
resolution requesting the permanent exclusion of the pupil to 798
the superintendent of public instruction promptly shall 799
designate a representative of the school district to present the 800
case for permanent exclusion to the superintendent or the 801
referee appointed by the superintendent. The representative of 802
the school district may be an attorney admitted to the practice 803

of law in this state. At the adjudication hearing held pursuant 804
to section 3301.121 of the Revised Code, the representative of 805
the school district shall present evidence in support of the 806
requested permanent exclusion. 807

(3) Upon receipt of a board of education's resolution 808
requesting the permanent exclusion of a pupil from public school 809
attendance, the superintendent of public instruction, in 810
accordance with the adjudication procedures of section 3301.121 811
of the Revised Code, promptly shall issue an adjudication order 812
that either permanently excludes the pupil from attending any of 813
the public schools of this state or that rejects the resolution 814
of the board of education. 815

(E) Notwithstanding any provision of section 3313.64 of 816
the Revised Code or an order of any court of this state that 817
otherwise requires the admission of the pupil to a school, no 818
school official in a city, local, exempted village, or joint 819
vocational school district knowingly shall admit to any school 820
in the school district a pupil who has been permanently excluded 821
from public school attendance by the superintendent of public 822
instruction. 823

(F) (1) (a) Upon determining that the school attendance of a 824
pupil who has been permanently excluded from public school 825
attendance no longer will endanger the health and safety of 826
other students or school employees, the superintendent of any 827
city, local, exempted village, or joint vocational school 828
district in which the pupil desires to attend school may issue 829
to the board of education of the school district a 830
recommendation, including the reasons for the recommendation, 831
that the permanent exclusion of a pupil be revoked and the pupil 832
be allowed to return to the public schools of the state. 833

If any violation which in whole or in part gave rise to 834
the permanent exclusion of any pupil involved the pupil's 835
bringing a firearm to a school operated by the board of 836
education of a school district or onto any other property owned 837
or operated by such a board, no superintendent shall recommend 838
under this division an effective date for the revocation of the 839
pupil's permanent exclusion that is less than one year after the 840
date on which the last such firearm incident occurred. However, 841
on a case-by-case basis, a superintendent may recommend an 842
earlier effective date for such a revocation for any of the 843
reasons for which the superintendent may reduce the one-year 844
expulsion requirement in division (B) (2) of section 3313.66 of 845
the Revised Code. 846

(b) Upon receipt of the recommendation of the 847
superintendent that a permanent exclusion of a pupil be revoked, 848
the board of education of a city, local, exempted village, or 849
joint vocational school district may adopt a resolution by a 850
majority vote of its members requesting the superintendent of 851
public instruction to revoke the permanent exclusion of the 852
pupil. Upon adoption of the resolution, the board of education 853
shall forward a copy of the resolution, the reasons for the 854
resolution, and any other relevant information to the 855
superintendent of public instruction. 856

(c) Upon receipt of a resolution of a board of education 857
requesting the revocation of a permanent exclusion of a pupil, 858
the superintendent of public instruction, in accordance with the 859
adjudication procedures of Chapter 119. of the Revised Code, 860
shall issue an adjudication order that revokes the permanent 861
exclusion of the pupil from public school attendance or that 862
rejects the resolution of the board of education. 863

(2) (a) A pupil who has been permanently excluded pursuant 864
to this section and section 3301.121 of the Revised Code may 865
request the superintendent of any city, local, exempted village, 866
or joint vocational school district in which the pupil desires 867
to attend school to admit the pupil on a probationary basis for 868
a period not to exceed ninety school days. Upon receiving the 869
request, the superintendent may enter into discussions with the 870
pupil and with the pupil's parent, guardian, or custodian or a 871
person designated by the pupil's parent, guardian, or custodian 872
to develop a probationary admission plan designed to assist the 873
pupil's probationary admission to the school. The plan may 874
include a treatment program, a behavioral modification program, 875
or any other program reasonably designed to meet the educational 876
needs of the child and the disciplinary requirements of the 877
school. 878

If any violation which in whole or in part gave rise to 879
the permanent exclusion of the pupil involved the pupil's 880
bringing a firearm to a school operated by the board of 881
education of any school district or onto any other property 882
owned or operated by such a board, no plan developed under this 883
division for the pupil shall include an effective date for the 884
probationary admission of the pupil that is less than one year 885
after the date on which the last such firearm incident occurred 886
except that on a case-by-case basis, a plan may include an 887
earlier effective date for such an admission for any of the 888
reasons for which the superintendent of the district may reduce 889
the one-year expulsion requirement in division (B) (2) of section 890
3313.66 of the Revised Code. 891

(b) If the superintendent of a school district, a pupil, 892
and the pupil's parent, guardian, or custodian or a person 893
designated by the pupil's parent, guardian, or custodian agree 894

upon a probationary admission plan prepared pursuant to division 895
(F) (2) (a) of this section, the superintendent of the school 896
district shall issue to the board of education of the school 897
district a recommendation that the pupil be allowed to attend 898
school within the school district under probationary admission, 899
the reasons for the recommendation, and a copy of the agreed 900
upon probationary admission plan. Within fourteen days after the 901
board of education receives the recommendation, reasons, and 902
plan, the board may adopt the recommendation by a majority vote 903
of its members. If the board adopts the recommendation, the 904
pupil may attend school under probationary admission within that 905
school district for a period not to exceed ninety days or any 906
additional probationary period permitted under divisions (F) (2) 907
(d) and (e) of this section in accordance with the probationary 908
admission plan prepared pursuant to division (F) (2) (a) of this 909
section. 910

(c) If a pupil who is permitted to attend school under 911
probationary admission pursuant to division (F) (2) (b) of this 912
section fails to comply with the probationary admission plan 913
prepared pursuant to division (F) (2) (a) of this section, the 914
superintendent of the school district immediately may remove the 915
pupil from the school and issue to the board of education of the 916
school district a recommendation that the probationary admission 917
be revoked. Within five days after the board of education 918
receives the recommendation, the board may adopt the 919
recommendation to revoke the pupil's probationary admission by a 920
majority vote of its members. If a majority of the board does 921
not adopt the recommendation to revoke the pupil's probationary 922
admission, the pupil shall continue to attend school in 923
compliance with the pupil's probationary admission plan. 924

(d) If a pupil who is permitted to attend school under 925

probationary admission pursuant to division (F) (2) (b) of this 926
section complies with the probationary admission plan prepared 927
pursuant to division (F) (2) (a) of this section, the pupil or the 928
pupil's parent, guardian, or custodian, at any time before the 929
expiration of the ninety-day probationary admission period, may 930
request the superintendent of the school district to extend the 931
terms and period of the pupil's probationary admission for a 932
period not to exceed ninety days or to issue a recommendation 933
pursuant to division (F) (1) of this section that the pupil's 934
permanent exclusion be revoked and the pupil be allowed to 935
return to the public schools of this state. 936

(e) If a pupil is granted an extension of the pupil's 937
probationary admission pursuant to division (F) (2) (d) of this 938
section, the pupil or the pupil's parent, guardian, or 939
custodian, in the manner described in that division, may 940
request, and the superintendent and board, in the manner 941
described in that division, may recommend and grant, subsequent 942
probationary admission periods not to exceed ninety days each. 943
If a pupil who is permitted to attend school under an extension 944
of a probationary admission plan complies with the probationary 945
admission plan prepared pursuant to the extension, the pupil or 946
the pupil's parent, guardian, or custodian may request a 947
revocation of the pupil's permanent exclusion in the manner 948
described in division (F) (2) (d) of this section. 949

(f) Any extension of a probationary admission requested by 950
a pupil or a pupil's parent, guardian, or custodian pursuant to 951
divisions (F) (2) (d) or (e) of this section shall be subject to 952
the adoption and approval of a probationary admission plan in 953
the manner described in divisions (F) (2) (a) and (b) of this 954
section and may be terminated as provided in division (F) (2) (c) 955
of this section. 956

(g) If the pupil has complied with any probationary admission plan and the superintendent issues a recommendation that seeks revocation of the pupil's permanent exclusion pursuant to division (F)(1) of this section, the pupil's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to division (F)(1) of this section.

(G)(1) Except as provided in division (G)(2) of this section, any information regarding the permanent exclusion of a pupil shall be included in the pupil's official records and shall be included in any records sent to any school district that requests the pupil's records.

(2) When a pupil who has been permanently excluded from public school attendance reaches the age of twenty-two or when the permanent exclusion of a pupil has been revoked, all school districts that maintain records regarding the pupil's permanent exclusion shall remove all references to the exclusion from the pupil's file and shall destroy them.

A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.

(H)(1) This section does not apply to any of the

following:	987
(a) An institution that is a residential facility, that	988
receives and cares for children, that is maintained by the	989
department of youth services, and that operates a school	990
chartered by the state board of education under section 3301.16	991
of the Revised Code;	992
(b) Any on-premises school operated by an out-of-home care	993
entity, other than a school district, that is chartered by the	994
state board of education under section 3301.16 of the Revised	995
Code;	996
(c) Any school operated in connection with an out-of-home	997
care entity or a nonresidential youth treatment program that	998
enters into a contract or agreement with a school district for	999
the provision of educational services in a setting other than a	1000
setting that is a building or structure owned or controlled by	1001
the board of education of the school district during normal	1002
school hours.	1003
(2) This section does not prohibit any person who has been	1004
permanently excluded pursuant to this section and section	1005
3301.121 of the Revised Code from seeking a certificate of high	1006
school equivalence. A person who has been permanently excluded	1007
may be permitted to participate in a course of study in	1008
preparation for the tests of general educational development <u>a</u>	1009
<u>high school equivalency test approved by the department of</u>	1010
<u>education pursuant to division (B) of section 3301.80 of the</u>	1011
<u>Revised Code</u> , except that the person shall not participate	1012
during normal school hours in that course of study in any	1013
building or structure owned or controlled by the board of	1014
education of a school district.	1015

(3) This section does not relieve any school district from 1016
any requirement under section 2151.362 or 3313.64 of the Revised 1017
Code to pay for the cost of educating any child who has been 1018
permanently excluded pursuant to this section and section 1019
3301.121 of the Revised Code. 1020

(I) As used in this section: 1021

(1) "Permanently exclude" means to forever prohibit an 1022
individual from attending any public school in this state that 1023
is operated by a city, local, exempted village, or joint 1024
vocational school district. 1025

(2) "Permanent exclusion" means the prohibition of a pupil 1026
forever from attending any public school in this state that is 1027
operated by a city, local, exempted village, or joint vocational 1028
school district. 1029

(3) "Out-of-home care" has the same meaning as in section 1030
2151.011 of the Revised Code. 1031

(4) "Certificate of high school equivalence" has the same 1032
meaning as in section 4109.06 of the Revised Code. 1033

(5) "Nonresidential youth treatment program" means a 1034
program designed to provide services to persons under the age of 1035
eighteen in a setting that does not regularly provide long-term 1036
overnight care, including settlement houses, diversion and 1037
prevention programs, run-away centers, and alternative education 1038
programs. 1039

(6) "Firearm" has the same meaning as provided pursuant to 1040
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 1041
8001(a) (2). 1042

(7) "Minor drug possession offense" has the same meaning 1043

as in section 2925.01 of the Revised Code. 1044

Sec. 3313.717. (A) As used in this section, "automated 1045
external defibrillator" means a specialized defibrillator that 1046
is approved for use as a medical device by the United States 1047
food and drug administration for performing automated external 1048
defibrillation, as defined in section 2305.235 of the Revised 1049
Code. 1050

(B) (1) The board of education of each school district and 1051
the administrative authority of each chartered nonpublic school 1052
may require the placement of an automated external defibrillator 1053
in each school under the control of the board ~~or authority~~. Not 1054
later than July 1, 2018, pursuant to section 3313.6023 of the 1055
Revised Code, all persons employed by a school district shall 1056
receive training in the use of an automated external 1057
defibrillator in accordance with that section. 1058

(2) The administrative authority of each chartered 1059
nonpublic school may require the placement of an automated 1060
external defibrillator in each school under the control of the 1061
authority. ~~If a board or an~~ authority requires the placement of 1062
an automated external defibrillator as provided in this section, 1063
the ~~board or~~ authority also shall require that a sufficient 1064
number of the staff persons assigned to each school under the 1065
control of the ~~board or~~ authority successfully complete an 1066
appropriate training course in the use of an automated external 1067
defibrillator as described in section 3701.85 of the Revised 1068
Code. 1069

(C) In regard to the use of an automated external 1070
defibrillator that is placed in a school as specified in this 1071
section, and except in the case of willful or wanton misconduct 1072
or when there is no good faith attempt to activate an emergency 1073

medical services system in accordance with section 3701.85 of 1074
the Revised Code, no person shall be held liable in civil 1075
damages for injury, death, or loss to person or property, or 1076
held criminally liable, for performing automated external 1077
defibrillation in good faith, regardless of whether the person 1078
has obtained appropriate training on how to perform automated 1079
external defibrillation or successfully completed a course in 1080
cardiopulmonary resuscitation. 1081

Sec. 3314.03. A copy of every contract entered into under 1082
this section shall be filed with the superintendent of public 1083
instruction. The department of education shall make available on 1084
its web site a copy of every approved, executed contract filed 1085
with the superintendent under this section. 1086

(A) Each contract entered into between a sponsor and the 1087
governing authority of a community school shall specify the 1088
following: 1089

(1) That the school shall be established as either of the 1090
following: 1091

(a) A nonprofit corporation established under Chapter 1092
1702. of the Revised Code, if established prior to April 8, 1093
2003; 1094

(b) A public benefit corporation established under Chapter 1095
1702. of the Revised Code, if established after April 8, 2003. 1096

(2) The education program of the school, including the 1097
school's mission, the characteristics of the students the school 1098
is expected to attract, the ages and grades of students, and the 1099
focus of the curriculum; 1100

(3) The academic goals to be achieved and the method of 1101
measurement that will be used to determine progress toward those 1102

goals, which shall include the statewide achievement 1103
assessments; 1104

(4) Performance standards, including but not limited to 1105
all applicable report card measures set forth in section 3302.03 1106
or 3314.017 of the Revised Code, by which the success of the 1107
school will be evaluated by the sponsor; 1108

(5) The admission standards of section 3314.06 of the 1109
Revised Code and, if applicable, section 3314.061 of the Revised 1110
Code; 1111

(6) (a) Dismissal procedures; 1112

(b) A requirement that the governing authority adopt an 1113
attendance policy that includes a procedure for automatically 1114
withdrawing a student from the school if the student without a 1115
legitimate excuse fails to participate in one hundred five 1116
consecutive hours of the learning opportunities offered to the 1117
student. 1118

(7) The ways by which the school will achieve racial and 1119
ethnic balance reflective of the community it serves; 1120

(8) Requirements for financial audits by the auditor of 1121
state. The contract shall require financial records of the 1122
school to be maintained in the same manner as are financial 1123
records of school districts, pursuant to rules of the auditor of 1124
state. Audits shall be conducted in accordance with section 1125
117.10 of the Revised Code. 1126

(9) An addendum to the contract outlining the facilities 1127
to be used that contains at least the following information: 1128

(a) A detailed description of each facility used for 1129
instructional purposes; 1130

(b) The annual costs associated with leasing each facility	1131
that are paid by or on behalf of the school;	1132
(c) The annual mortgage principal and interest payments	1133
that are paid by the school;	1134
(d) The name of the lender or landlord, identified as	1135
such, and the lender's or landlord's relationship to the	1136
operator, if any.	1137
(10) Qualifications of teachers, including a requirement	1138
that the school's classroom teachers be licensed in accordance	1139
with sections 3319.22 to 3319.31 of the Revised Code, except	1140
that a community school may engage noncertificated persons to	1141
teach up to twelve hours per week pursuant to section 3319.301	1142
of the Revised Code.	1143
(11) That the school will comply with the following	1144
requirements:	1145
(a) The school will provide learning opportunities to a	1146
minimum of twenty-five students for a minimum of nine hundred	1147
twenty hours per school year.	1148
(b) The governing authority will purchase liability	1149
insurance, or otherwise provide for the potential liability of	1150
the school.	1151
(c) The school will be nonsectarian in its programs,	1152
admission policies, employment practices, and all other	1153
operations, and will not be operated by a sectarian school or	1154
religious institution.	1155
(d) The school will comply with sections 9.90, 9.91,	1156
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	1157
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50,	1158

3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 1159
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 1160
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1161
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1162
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 1163
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 1164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 1165
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1166
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1167
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 1168
the Revised Code as if it were a school district and will comply 1169
with section 3301.0714 of the Revised Code in the manner 1170
specified in section 3314.17 of the Revised Code. 1171

(e) The school shall comply with Chapter 102. and section 1172
2921.42 of the Revised Code. 1173

(f) The school will comply with sections 3313.61, 1174
3313.611, and 3313.614 of the Revised Code, except that for 1175
students who enter ninth grade for the first time before July 1, 1176
2010, the requirement in sections 3313.61 and 3313.611 of the 1177
Revised Code that a person must successfully complete the 1178
curriculum in any high school prior to receiving a high school 1179
diploma may be met by completing the curriculum adopted by the 1180
governing authority of the community school rather than the 1181
curriculum specified in Title XXXVIII of the Revised Code or any 1182
rules of the state board of education. Beginning with students 1183
who enter ninth grade for the first time on or after July 1, 1184
2010, the requirement in sections 3313.61 and 3313.611 of the 1185
Revised Code that a person must successfully complete the 1186
curriculum of a high school prior to receiving a high school 1187
diploma shall be met by completing the requirements prescribed 1188
in division (C) of section 3313.603 of the Revised Code, unless 1189

the person qualifies under division (D) or (F) of that section. 1190
Each school shall comply with the plan for awarding high school 1191
credit based on demonstration of subject area competency, and 1192
beginning with the 2016-2017 school year, with the updated plan 1193
that permits students enrolled in seventh and eighth grade to 1194
meet curriculum requirements based on subject area competency 1195
adopted by the state board of education under divisions (J) (1) 1196
and (2) of section 3313.603 of the Revised Code. 1197

(g) The school governing authority will submit within four 1198
months after the end of each school year a report of its 1199
activities and progress in meeting the goals and standards of 1200
divisions (A) (3) and (4) of this section and its financial 1201
status to the sponsor and the parents of all students enrolled 1202
in the school. 1203

(h) The school, unless it is an internet- or computer- 1204
based community school, will comply with section 3313.801 of the 1205
Revised Code as if it were a school district. 1206

(i) If the school is the recipient of moneys from a grant 1207
awarded under the federal race to the top program, Division (A), 1208
Title XIV, Sections 14005 and 14006 of the "American Recovery 1209
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1210
the school will pay teachers based upon performance in 1211
accordance with section 3317.141 and will comply with section 1212
3319.111 of the Revised Code as if it were a school district. 1213

(j) If the school operates a preschool program that is 1214
licensed by the department of education under sections 3301.52 1215
to 3301.59 of the Revised Code, the school shall comply with 1216
sections 3301.50 to 3301.59 of the Revised Code and the minimum 1217
standards for preschool programs prescribed in rules adopted by 1218
the state board under section 3301.53 of the Revised Code. 1219

(k) The school will comply with sections 3313.6021 and 1220
3313.6023 of the Revised Code as if it were a school district 1221
unless it is either of the following: 1222

(i) An internet- or computer-based community school; 1223

(ii) A community school in which a majority of the 1224
enrolled students are children with disabilities as described in 1225
division (A) (4) (b) of section 3314.35 of the Revised Code. 1226

(12) Arrangements for providing health and other benefits 1227
to employees; 1228

(13) The length of the contract, which shall begin at the 1229
beginning of an academic year. No contract shall exceed five 1230
years unless such contract has been renewed pursuant to division 1231
(E) of this section. 1232

(14) The governing authority of the school, which shall be 1233
responsible for carrying out the provisions of the contract; 1234

(15) A financial plan detailing an estimated school budget 1235
for each year of the period of the contract and specifying the 1236
total estimated per pupil expenditure amount for each such year. 1237

(16) Requirements and procedures regarding the disposition 1238
of employees of the school in the event the contract is 1239
terminated or not renewed pursuant to section 3314.07 of the 1240
Revised Code; 1241

(17) Whether the school is to be created by converting all 1242
or part of an existing public school or educational service 1243
center building or is to be a new start-up school, and if it is 1244
a converted public school or service center building, 1245
specification of any duties or responsibilities of an employer 1246
that the board of education or service center governing board 1247

that operated the school or building before conversion is 1248
delegating to the governing authority of the community school 1249
with respect to all or any specified group of employees provided 1250
the delegation is not prohibited by a collective bargaining 1251
agreement applicable to such employees; 1252

(18) Provisions establishing procedures for resolving 1253
disputes or differences of opinion between the sponsor and the 1254
governing authority of the community school; 1255

(19) A provision requiring the governing authority to 1256
adopt a policy regarding the admission of students who reside 1257
outside the district in which the school is located. That policy 1258
shall comply with the admissions procedures specified in 1259
sections 3314.06 and 3314.061 of the Revised Code and, at the 1260
sole discretion of the authority, shall do one of the following: 1261

(a) Prohibit the enrollment of students who reside outside 1262
the district in which the school is located; 1263

(b) Permit the enrollment of students who reside in 1264
districts adjacent to the district in which the school is 1265
located; 1266

(c) Permit the enrollment of students who reside in any 1267
other district in the state. 1268

(20) A provision recognizing the authority of the 1269
department of education to take over the sponsorship of the 1270
school in accordance with the provisions of division (C) of 1271
section 3314.015 of the Revised Code; 1272

(21) A provision recognizing the sponsor's authority to 1273
assume the operation of a school under the conditions specified 1274
in division (B) of section 3314.073 of the Revised Code; 1275

(22) A provision recognizing both of the following:	1276
(a) The authority of public health and safety officials to	1277
inspect the facilities of the school and to order the facilities	1278
closed if those officials find that the facilities are not in	1279
compliance with health and safety laws and regulations;	1280
(b) The authority of the department of education as the	1281
community school oversight body to suspend the operation of the	1282
school under section 3314.072 of the Revised Code if the	1283
department has evidence of conditions or violations of law at	1284
the school that pose an imminent danger to the health and safety	1285
of the school's students and employees and the sponsor refuses	1286
to take such action.	1287
(23) A description of the learning opportunities that will	1288
be offered to students including both classroom-based and non-	1289
classroom-based learning opportunities that is in compliance	1290
with criteria for student participation established by the	1291
department under division (H) (2) of section 3314.08 of the	1292
Revised Code;	1293
(24) The school will comply with sections 3302.04 and	1294
3302.041 of the Revised Code, except that any action required to	1295
be taken by a school district pursuant to those sections shall	1296
be taken by the sponsor of the school. However, the sponsor	1297
shall not be required to take any action described in division	1298
(F) of section 3302.04 of the Revised Code.	1299
(25) Beginning in the 2006-2007 school year, the school	1300
will open for operation not later than the thirtieth day of	1301
September each school year, unless the mission of the school as	1302
specified under division (A) (2) of this section is solely to	1303
serve dropouts. In its initial year of operation, if the school	1304

fails to open by the thirtieth day of September, or within one 1305
year after the adoption of the contract pursuant to division (D) 1306
of section 3314.02 of the Revised Code if the mission of the 1307
school is solely to serve dropouts, the contract shall be void. 1308

(26) Whether the school's governing authority is planning 1309
to seek designation for the school as a STEM school equivalent 1310
under section 3326.032 of the Revised Code; 1311

(27) That the school's attendance and participation 1312
policies will be available for public inspection; 1313

(28) That the school's attendance and participation 1314
records shall be made available to the department of education, 1315
auditor of state, and school's sponsor to the extent permitted 1316
under and in accordance with the "Family Educational Rights and 1317
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 1318
and any regulations promulgated under that act, and section 1319
3319.321 of the Revised Code; 1320

(29) If a school operates using the blended learning 1321
model, as defined in section 3301.079 of the Revised Code, all 1322
of the following information: 1323

(a) An indication of what blended learning model or models 1324
will be used; 1325

(b) A description of how student instructional needs will 1326
be determined and documented; 1327

(c) The method to be used for determining competency, 1328
granting credit, and promoting students to a higher grade level; 1329

(d) The school's attendance requirements, including how 1330
the school will document participation in learning 1331
opportunities; 1332

(e) A statement describing how student progress will be monitored;	1333 1334
(f) A statement describing how private student data will be protected;	1335 1336
(g) A description of the professional development activities that will be offered to teachers.	1337 1338
(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;	1339 1340 1341 1342
(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.	1343 1344 1345 1346 1347
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	1348 1349 1350
(1) The process by which the governing authority of the school will be selected in the future;	1351 1352
(2) The management and administration of the school;	1353
(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;	1354 1355 1356 1357 1358
(4) The instructional program and educational philosophy of the school;	1359 1360

(5) Internal financial controls.	1361
When submitting the plan under this division, the school	1362
shall also submit copies of all policies and procedures	1363
regarding internal financial controls adopted by the governing	1364
authority of the school.	1365
(C) A contract entered into under section 3314.02 of the	1366
Revised Code between a sponsor and the governing authority of a	1367
community school may provide for the community school governing	1368
authority to make payments to the sponsor, which is hereby	1369
authorized to receive such payments as set forth in the contract	1370
between the governing authority and the sponsor. The total	1371
amount of such payments for monitoring, oversight, and technical	1372
assistance of the school shall not exceed three per cent of the	1373
total amount of payments for operating expenses that the school	1374
receives from the state.	1375
(D) The contract shall specify the duties of the sponsor	1376
which shall be in accordance with the written agreement entered	1377
into with the department of education under division (B) of	1378
section 3314.015 of the Revised Code and shall include the	1379
following:	1380
(1) Monitor the community school's compliance with all	1381
laws applicable to the school and with the terms of the	1382
contract;	1383
(2) Monitor and evaluate the academic and fiscal	1384
performance and the organization and operation of the community	1385
school on at least an annual basis;	1386
(3) Report on an annual basis the results of the	1387
evaluation conducted under division (D)(2) of this section to	1388
the department of education and to the parents of students	1389

enrolled in the community school; 1390

(4) Provide technical assistance to the community school 1391
in complying with laws applicable to the school and terms of the 1392
contract; 1393

(5) Take steps to intervene in the school's operation to 1394
correct problems in the school's overall performance, declare 1395
the school to be on probationary status pursuant to section 1396
3314.073 of the Revised Code, suspend the operation of the 1397
school pursuant to section 3314.072 of the Revised Code, or 1398
terminate the contract of the school pursuant to section 3314.07 1399
of the Revised Code as determined necessary by the sponsor; 1400

(6) Have in place a plan of action to be undertaken in the 1401
event the community school experiences financial difficulties or 1402
closes prior to the end of a school year. 1403

(E) Upon the expiration of a contract entered into under 1404
this section, the sponsor of a community school may, with the 1405
approval of the governing authority of the school, renew that 1406
contract for a period of time determined by the sponsor, but not 1407
ending earlier than the end of any school year, if the sponsor 1408
finds that the school's compliance with applicable laws and 1409
terms of the contract and the school's progress in meeting the 1410
academic goals prescribed in the contract have been 1411
satisfactory. Any contract that is renewed under this division 1412
remains subject to the provisions of sections 3314.07, 3314.072, 1413
and 3314.073 of the Revised Code. 1414

(F) If a community school fails to open for operation 1415
within one year after the contract entered into under this 1416
section is adopted pursuant to division (D) of section 3314.02 1417
of the Revised Code or permanently closes prior to the 1418

expiration of the contract, the contract shall be void and the 1419
school shall not enter into a contract with any other sponsor. A 1420
school shall not be considered permanently closed because the 1421
operations of the school have been suspended pursuant to section 1422
3314.072 of the Revised Code. 1423

Sec. 3314.08. (A) As used in this section: 1424

(1) (a) "Category one career-technical education student" 1425
means a student who is receiving the career-technical education 1426
services described in division (A) of section 3317.014 of the 1427
Revised Code. 1428

(b) "Category two career-technical student" means a 1429
student who is receiving the career-technical education services 1430
described in division (B) of section 3317.014 of the Revised 1431
Code. 1432

(c) "Category three career-technical student" means a 1433
student who is receiving the career-technical education services 1434
described in division (C) of section 3317.014 of the Revised 1435
Code. 1436

(d) "Category four career-technical student" means a 1437
student who is receiving the career-technical education services 1438
described in division (D) of section 3317.014 of the Revised 1439
Code. 1440

(e) "Category five career-technical education student" 1441
means a student who is receiving the career-technical education 1442
services described in division (E) of section 3317.014 of the 1443
Revised Code. 1444

(2) (a) "Category one limited English proficient student" 1445
means a limited English proficient student described in division 1446
(A) of section 3317.016 of the Revised Code. 1447

(b) "Category two limited English proficient student"	1448
means a limited English proficient student described in division	1449
(B) of section 3317.016 of the Revised Code.	1450
(c) "Category three limited English proficient student"	1451
means a limited English proficient student described in division	1452
(C) of section 3317.016 of the Revised Code.	1453
(3) (a) "Category one special education student" means a	1454
student who is receiving special education services for a	1455
disability specified in division (A) of section 3317.013 of the	1456
Revised Code.	1457
(b) "Category two special education student" means a	1458
student who is receiving special education services for a	1459
disability specified in division (B) of section 3317.013 of the	1460
Revised Code.	1461
(c) "Category three special education student" means a	1462
student who is receiving special education services for a	1463
disability specified in division (C) of section 3317.013 of the	1464
Revised Code.	1465
(d) "Category four special education student" means a	1466
student who is receiving special education services for a	1467
disability specified in division (D) of section 3317.013 of the	1468
Revised Code.	1469
(e) "Category five special education student" means a	1470
student who is receiving special education services for a	1471
disability specified in division (E) of section 3317.013 of the	1472
Revised Code.	1473
(f) "Category six special education student" means a	1474
student who is receiving special education services for a	1475
disability specified in division (F) of section 3317.013 of the	1476

Revised Code.	1477
(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	1478 1479
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	1480 1481
(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.	1482 1483 1484
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	1485 1486
(B) The state board of education shall adopt rules requiring both of the following:	1487 1488
(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.	1489 1490 1491 1492 1493 1494
(2) The governing authority of each community school established under this chapter to annually report all of the following:	1495 1496 1497
(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;	1498 1499 1500 1501
(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	1502 1503 1504

services pursuant to an IEP;	1505
(c) The number of students reported under division (B) (2)	1506
(b) of this section receiving special education and related	1507
services pursuant to an IEP for a disability described in each	1508
of divisions (A) to (F) of section 3317.013 of the Revised Code;	1509
(d) The full-time equivalent number of students reported	1510
under divisions (B) (2) (a) and (b) of this section who are	1511
enrolled in career-technical education programs or classes	1512
described in each of divisions (A) to (E) of section 3317.014 of	1513
the Revised Code that are provided by the community school;	1514
(e) The number of students reported under divisions (B) (2)	1515
(a) and (b) of this section who are not reported under division	1516
(B) (2) (d) of this section but who are enrolled in career-	1517
technical education programs or classes described in each of	1518
divisions (A) to (E) of section 3317.014 of the Revised Code at	1519
a joint vocational school district or another district in the	1520
career-technical planning district to which the school is	1521
assigned;	1522
(f) The number of students reported under divisions (B) (2)	1523
(a) and (b) of this section who are category one to three	1524
limited English proficient students described in each of	1525
divisions (A) to (C) of section 3317.016 of the Revised Code;	1526
(g) The number of students reported under divisions (B) (2)	1527
(a) and (b) who are economically disadvantaged, as defined by	1528
the department. A student shall not be categorically excluded	1529
from the number reported under division (B) (2) (g) of this	1530
section based on anything other than family income.	1531
(h) For each student, the city, exempted village, or local	1532
school district in which the student is entitled to attend	1533

school under section 3313.64 or 3313.65 of the Revised Code. 1534

(i) The number of students enrolled in a preschool program 1535
operated by the school that is licensed by the department of 1536
education under sections 3301.52 to 3301.59 of the Revised Code 1537
who are not receiving special education and related services 1538
pursuant to an IEP. 1539

A school district board and a community school governing 1540
authority shall include in their respective reports under 1541
division (B) of this section any child admitted in accordance 1542
with division (A) (2) of section 3321.01 of the Revised Code. 1543

A governing authority of a community school shall not 1544
include in its report under divisions (B) (2) (a) to (h) of this 1545
section any student for whom tuition is charged under division 1546
(F) of this section. 1547

(C) (1) Except as provided in division (C) (2) of this 1548
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 1549
of this section, on a full-time equivalency basis, for each 1550
student enrolled in a community school established under this 1551
chapter, the department of education annually shall deduct from 1552
the state education aid of a student's resident district and, if 1553
necessary, from the payment made to the district under sections 1554
321.24 and 323.156 of the Revised Code and pay to the community 1555
school the sum of the following: 1556

(a) An opportunity grant in an amount equal to the formula 1557
amount; 1558

(b) The per pupil amount of targeted assistance funds 1559
calculated under division (A) of section 3317.0217 of the 1560
Revised Code for the student's resident district, as determined 1561
by the department, X 0.25; 1562

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	1563 1564 1565
(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;	1566 1567 1568
(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;	1569 1570 1571
(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;	1572 1573 1574
(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;	1575 1576 1577
(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;	1578 1579 1580
(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.	1581 1582 1583
(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in fiscal year 2017;	1584 1585 1586
(e) If the student is economically disadvantaged, an additional amount equal to the following:	1587 1588
\$272 X the resident district's economically disadvantaged index	1589 1590

(f) Limited English proficiency funds as follows:	1591
(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;	1592 1593 1594
(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;	1595 1596 1597
(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.	1598 1599 1600
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	1601 1602
(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;	1603 1604 1605
(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;	1606 1607 1608
(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;	1609 1610 1611
(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;	1612 1613 1614
(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.	1615 1616 1617

Deduction and payment of funds under division (C) (1) (g) of 1618
this section is subject to approval by the lead district of a 1619
career-technical planning district or the department of 1620
education under section 3317.161 of the Revised Code. 1621

(2) When deducting from the state education aid of a 1622
student's resident district for students enrolled in an 1623
internet- or computer-based community school and making payments 1624
to such school under this section, the department shall make the 1625
deductions and payments described in only divisions (C) (1) (a), 1626
(c), and (g) of this section. 1627

No deductions or payments shall be made for a student 1628
enrolled in such school under division (C) (1) (b), (d), (e), or 1629
(f) of this section. 1630

(3) (a) If a community school's costs for a fiscal year for 1631
a student receiving special education and related services 1632
pursuant to an IEP for a disability described in divisions (B) 1633
to (F) of section 3317.013 of the Revised Code exceed the 1634
threshold catastrophic cost for serving the student as specified 1635
in division (B) of section 3317.0214 of the Revised Code, the 1636
school may submit to the superintendent of public instruction 1637
documentation, as prescribed by the superintendent, of all its 1638
costs for that student. Upon submission of documentation for a 1639
student of the type and in the manner prescribed, the department 1640
shall pay to the community school an amount equal to the 1641
school's costs for the student in excess of the threshold 1642
catastrophic costs. 1643

(b) The community school shall report under division (C) 1644
(3) (a) of this section, and the department shall pay for, only 1645
the costs of educational expenses and the related services 1646
provided to the student in accordance with the student's 1647

individualized education program. Any legal fees, court costs, 1648
or other costs associated with any cause of action relating to 1649
the student may not be included in the amount. 1650

(4) In any fiscal year, a community school receiving funds 1651
under division (C)(1)(g) of this section shall spend those funds 1652
only for the purposes that the department designates as approved 1653
for career-technical education expenses. Career-technical 1654
education expenses approved by the department shall include only 1655
expenses connected to the delivery of career-technical 1656
programming to career-technical students. The department shall 1657
require the school to report data annually so that the 1658
department may monitor the school's compliance with the 1659
requirements regarding the manner in which funding received 1660
under division (C)(1)(g) of this section may be spent. 1661

(5) All Notwithstanding anything to the contrary in 1662
section 3313.90 of the Revised Code, except as provided in 1663
division (C)(9) of this section, all funds received under 1664
division (C)(1)(g) of this section shall be spent in the 1665
following manner: 1666

(a) At least seventy-five per cent of the funds shall be 1667
spent on curriculum development, purchase, and implementation; 1668
instructional resources and supplies; industry-based program 1669
certification; student assessment, credentialing, and placement; 1670
curriculum specific equipment purchases and leases; career- 1671
technical student organization fees and expenses; home and 1672
agency linkages; work-based learning experiences; professional 1673
development; and other costs directly associated with career- 1674
technical education programs including development of new 1675
programs. 1676

(b) Not more than twenty-five per cent of the funds shall 1677

be used for personnel expenditures. 1678

(6) A community school shall spend the funds it receives 1679
under division (C) (1) (e) of this section in accordance with 1680
section 3317.25 of the Revised Code. 1681

(7) If the sum of the payments computed under divisions 1682
(C) (1) and (8) (a) of this section for the students entitled to 1683
attend school in a particular school district under sections 1684
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 1685
district's state education aid and its payment under sections 1686
321.24 and 323.156 of the Revised Code, the department shall 1687
calculate and apply a proration factor to the payments to all 1688
community schools under that division for the students entitled 1689
to attend school in that district. 1690

(8) (a) Subject to division (C) (7) of this section, the 1691
department annually shall pay to each community school, 1692
including each internet- or computer-based community school, an 1693
amount equal to the following: 1694

(The number of students reported by the community school 1695
under division (B) (2) (e) of this section X the formula amount 1696
X.20) 1697

(b) For each payment made to a community school under 1698
division (C) (8) (a) of this section, the department shall deduct 1699
from the state education aid of each city, local, and exempted 1700
village school district and, if necessary, from the payment made 1701
to the district under sections 321.24 and 323.156 of the Revised 1702
Code an amount equal to the following: 1703

(The number of the district's students reported by the 1704
community school under division (B) (2) (e) of this section X the 1705
formula amount X.20) 1706

(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. 1707
1708
1709
1710
1711

(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. 1712
1713
1714
1715
1716

(E) A community school may not levy taxes or issue bonds secured by tax revenues. 1717
1718

(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. 1719
1720
1721
1722

(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. 1723
1724
1725
1726
1727
1728
1729

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 1730
1731

(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. 1732
1733
1734

(H) The department of education shall adjust the amounts 1735

subtracted and paid under division (C) of this section to 1736
reflect any enrollment of students in community schools for less 1737
than the equivalent of a full school year. The state board of 1738
education within ninety days after April 8, 2003, shall adopt in 1739
accordance with Chapter 119. of the Revised Code rules governing 1740
the payments to community schools under this section including 1741
initial payments in a school year and adjustments and reductions 1742
made in subsequent periodic payments to community schools and 1743
corresponding deductions from school district accounts as 1744
provided under division (C) of this section. For purposes of 1745
this section: 1746

(1) A student shall be considered enrolled in the 1747
community school for any portion of the school year the student 1748
is participating at a college under Chapter 3365. of the Revised 1749
Code. 1750

(2) A student shall be considered to be enrolled in a 1751
community school for the period of time beginning on the later 1752
of the date on which the school both has received documentation 1753
of the student's enrollment from a parent and the student has 1754
commenced participation in learning opportunities as defined in 1755
the contract with the sponsor, or thirty days prior to the date 1756
on which the student is entered into the education management 1757
information system established under section 3301.0714 of the 1758
Revised Code. For purposes of applying this division and 1759
divisions (H) (3) and (4) of this section to a community school 1760
student, "learning opportunities" shall be defined in the 1761
contract, which shall describe both classroom-based and non- 1762
classroom-based learning opportunities and shall be in 1763
compliance with criteria and documentation requirements for 1764
student participation which shall be established by the 1765
department. Any student's instruction time in non-classroom- 1766

based learning opportunities shall be certified by an employee 1767
of the community school. A student's enrollment shall be 1768
considered to cease on the date on which any of the following 1769
occur: 1770

(a) The community school receives documentation from a 1771
parent terminating enrollment of the student. 1772

(b) The community school is provided documentation of a 1773
student's enrollment in another public or private school. 1774

(c) The community school ceases to offer learning 1775
opportunities to the student pursuant to the terms of the 1776
contract with the sponsor or the operation of any provision of 1777
this chapter. 1778

Except as otherwise specified in this paragraph, beginning 1779
in the 2011-2012 school year, any student who completed the 1780
prior school year in an internet- or computer-based community 1781
school shall be considered to be enrolled in the same school in 1782
the subsequent school year until the student's enrollment has 1783
ceased as specified in division (H) (2) of this section. The 1784
department shall continue subtracting and paying amounts for the 1785
student under division (C) of this section without interruption 1786
at the start of the subsequent school year. However, if the 1787
student without a legitimate excuse fails to participate in the 1788
first one hundred five consecutive hours of learning 1789
opportunities offered to the student in that subsequent school 1790
year, the student shall be considered not to have re-enrolled in 1791
the school for that school year and the department shall 1792
recalculate the payments to the school for that school year to 1793
account for the fact that the student is not enrolled. 1794

(3) The department shall determine each community school 1795

student's percentage of full-time equivalency based on the 1796
percentage of learning opportunities offered by the community 1797
school to that student, reported either as number of hours or 1798
number of days, is of the total learning opportunities offered 1799
by the community school to a student who attends for the 1800
school's entire school year. However, no internet- or computer- 1801
based community school shall be credited for any time a student 1802
spends participating in learning opportunities beyond ten hours 1803
within any period of twenty-four consecutive hours. Whether it 1804
reports hours or days of learning opportunities, each community 1805
school shall offer not less than nine hundred twenty hours of 1806
learning opportunities during the school year. 1807

(4) With respect to the calculation of full-time 1808
equivalency under division (H) (3) of this section, the 1809
department shall waive the number of hours or days of learning 1810
opportunities not offered to a student because the community 1811
school was closed during the school year due to disease 1812
epidemic, hazardous weather conditions, law enforcement 1813
emergencies, inoperability of school buses or other equipment 1814
necessary to the school's operation, damage to a school 1815
building, or other temporary circumstances due to utility 1816
failure rendering the school building unfit for school use, so 1817
long as the school was actually open for instruction with 1818
students in attendance during that school year for not less than 1819
the minimum number of hours required by this chapter. The 1820
department shall treat the school as if it were open for 1821
instruction with students in attendance during the hours or days 1822
waived under this division. 1823

(I) The department of education shall reduce the amounts 1824
paid under this section to reflect payments made to colleges 1825
under section 3365.07 of the Revised Code. 1826

(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 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 1856
shall jointly make recommendations to the general assembly for 1857
legislative changes that may be required to assure fiscal and 1858
academic accountability for such schools. 1859

(K) (1) If the department determines that a review of a 1860
community school's enrollment is necessary, such review shall be 1861
completed and written notice of the findings shall be provided 1862
to the governing authority of the community school and its 1863
sponsor within ninety days of the end of the community school's 1864
fiscal year, unless extended for a period not to exceed thirty 1865
additional days for one of the following reasons: 1866

(a) The department and the community school mutually agree 1867
to the extension. 1868

(b) Delays in data submission caused by either a community 1869
school or its sponsor. 1870

(2) If the review results in a finding that additional 1871
funding is owed to the school, such payment shall be made within 1872
thirty days of the written notice. If the review results in a 1873
finding that the community school owes moneys to the state, the 1874
following procedure shall apply: 1875

(a) Within ten business days of the receipt of the notice 1876
of findings, the community school may appeal the department's 1877
determination to the state board of education or its designee. 1878

(b) The board or its designee shall conduct an informal 1879
hearing on the matter within thirty days of receipt of such an 1880
appeal and shall issue a decision within fifteen days of the 1881
conclusion of the hearing. 1882

(c) If the board has enlisted a designee to conduct the 1883
hearing, the designee shall certify its decision to the board. 1884

The board may accept the decision of the designee or may reject 1885
the decision of the designee and issue its own decision on the 1886
matter. 1887

(d) Any decision made by the board under this division is 1888
final. 1889

(3) If it is decided that the community school owes moneys 1890
to the state, the department shall deduct such amount from the 1891
school's future payments in accordance with guidelines issued by 1892
the superintendent of public instruction. 1893

(L) The department shall not subtract from a school 1894
district's state aid account and shall not pay to a community 1895
school under division (C) of this section any amount for any of 1896
the following: 1897

(1) Any student who has graduated from the twelfth grade 1898
of a public or nonpublic high school; 1899

(2) Any student who is not a resident of the state; 1900

(3) Any student who was enrolled in the community school 1901
during the previous school year when assessments were 1902
administered under section 3301.0711 of the Revised Code but did 1903
not take one or more of the assessments required by that section 1904
and was not excused pursuant to division (C)(1) or (3) of that 1905
section, unless the superintendent of public instruction grants 1906
the student a waiver from the requirement to take the assessment 1907
and a parent is not paying tuition for the student pursuant to 1908
section 3314.26 of the Revised Code. The superintendent may 1909
grant a waiver only for good cause in accordance with rules 1910
adopted by the state board of education. 1911

(4) Any student who has attained the age of twenty-two 1912
years, except for veterans of the armed services whose 1913

attendance was interrupted before completing the recognized 1914
twelve-year course of the public schools by reason of induction 1915
or enlistment in the armed forces and who apply for enrollment 1916
in a community school not later than four years after 1917
termination of war or their honorable discharge. If, however, 1918
any such veteran elects to enroll in special courses organized 1919
for veterans for whom tuition is paid under federal law, or 1920
otherwise, the department shall not subtract from a school 1921
district's state aid account and shall not pay to a community 1922
school under division (C) of this section any amount for that 1923
veteran. 1924

Sec. 3314.103. No community school teacher shall terminate 1925
the teacher's contract after the tenth day of July of any school 1926
year or during the school year, prior to the termination of the 1927
annual session, without the consent of the community school's 1928
governing authority or operator, and such teacher may terminate 1929
the teacher's contract at any other time by giving five days' 1930
written notice to the employing governing authority or operator. 1931
Upon complaint by the employing governing authority or operator 1932
to the state board of education and after investigation by it, 1933
the license of a teacher terminating the teacher's contract in 1934
any other manner than provided in this section may be suspended 1935
for not more than one year. 1936

As used in this section, "teacher" has the same meaning as 1937
in section 3319.09 of the Revised Code. 1938

Sec. 3317.03. (A) The superintendent of each city, local, 1939
and exempted village school district shall report to the state 1940
board of education as of the last day of October, March, and 1941
June of each year the enrollment of students receiving services 1942
from schools under the superintendent's supervision, and the 1943

numbers of other students entitled to attend school in the 1944
district under section 3313.64 or 3313.65 of the Revised Code 1945
the superintendent is required to report under this section, so 1946
that the department of education can calculate the district's 1947
formula ADM, total ADM, category one through five career- 1948
technical education ADM, category one through three limited 1949
English proficient ADM, category one through six special 1950
education ADM, preschool scholarship ADM, transportation ADM, 1951
and, for purposes of provisions of law outside of Chapter 3317. 1952
of the Revised Code, average daily membership. 1953

(1) The enrollment reported by the superintendent during 1954
the reporting period shall consist of the number of students in 1955
grades kindergarten through twelve receiving any educational 1956
services from the district, except that the following categories 1957
of students shall not be included in the determination: 1958

(a) Students enrolled in adult education classes; 1959

(b) Adjacent or other district students enrolled in the 1960
district under an open enrollment policy pursuant to section 1961
3313.98 of the Revised Code; 1962

(c) Students receiving services in the district pursuant 1963
to a compact, cooperative education agreement, or a contract, 1964
but who are entitled to attend school in another district 1965
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1966

(d) Students for whom tuition is payable pursuant to 1967
sections 3317.081 and 3323.141 of the Revised Code; 1968

(e) Students receiving services in the district through a 1969
scholarship awarded under either section 3310.41 or sections 1970
3310.51 to 3310.64 of the Revised Code. 1971

When reporting students under division (A) (1) of this 1972

section, the superintendent also shall report the district where 1973
each student is entitled to attend school pursuant to sections 1974
3313.64 and 3313.65 of the Revised Code. 1975

(2) The department of education shall compile a list of 1976
all students reported to be enrolled in a district under 1977
division (A) (1) of this section and of the students entitled to 1978
attend school in the district pursuant to section 3313.64 or 1979
3313.65 of the Revised Code on an FTE basis but receiving 1980
educational services in grades kindergarten through twelve from 1981
one or more of the following entities: 1982

(a) A community school pursuant to Chapter 3314. of the 1983
Revised Code, including any participation in a college pursuant 1984
to Chapter 3365. of the Revised Code while enrolled in such 1985
community school; 1986

(b) An alternative school pursuant to sections 3313.974 to 1987
3313.979 of the Revised Code as described in division (I) (2) (a) 1988
or (b) of this section; 1989

(c) A college pursuant to Chapter 3365. of the Revised 1990
Code, except when the student is enrolled in the college while 1991
also enrolled in a community school pursuant to Chapter 3314., a 1992
science, technology, engineering, and mathematics school 1993
established under Chapter 3326., or a college-preparatory 1994
boarding school established under Chapter 3328. of the Revised 1995
Code; 1996

(d) An adjacent or other school district under an open 1997
enrollment policy adopted pursuant to section 3313.98 of the 1998
Revised Code; 1999

(e) An educational service center or cooperative education 2000
district; 2001

(f) Another school district under a cooperative education agreement, compact, or contract;	2002 2003
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	2004 2005 2006 2007
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	2008 2009 2010
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	2011 2012 2013
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2014 2015 2016 2017
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	2018 2019 2020 2021
(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education	2022 2023 2024 2025 2026 2027 2028 2029 2030

compact. 2031

The department shall provide each city, local, and 2032
exempted village school district with an opportunity to review 2033
the list of students compiled under divisions (A) (2) and (3) of 2034
this section to ensure that the students reported accurately 2035
reflect the enrollment of students in the district. 2036

(B) To enable the department of education to obtain the 2037
data needed to complete the calculation of payments pursuant to 2038
this chapter, each superintendent shall certify from the reports 2039
provided by the department under division (A) of this section 2040
all of the following: 2041

(1) The total student enrollment in regular learning day 2042
classes included in the report under division (A) (1) or (2) of 2043
this section for each of the individual grades kindergarten 2044
through twelve in schools under the superintendent's 2045
supervision; 2046

(2) The unduplicated count of the number of preschool 2047
children with disabilities enrolled in the district for whom the 2048
district is eligible to receive funding under section 3317.0213 2049
of the Revised Code adjusted for the portion of the year each 2050
child is so enrolled, in accordance with the disability 2051
categories prescribed in section 3317.013 of the Revised Code; 2052

(3) The number of children entitled to attend school in 2053
the district pursuant to section 3313.64 or 3313.65 of the 2054
Revised Code who are: 2055

(a) Participating in a pilot project scholarship program 2056
established under sections 3313.974 to 3313.979 of the Revised 2057
Code as described in division (I) (2) (a) or (b) of this section; 2058

(b) Enrolled in a college under Chapter 3365. of the 2059

Revised Code, except when the student is enrolled in the college 2060
while also enrolled in a community school pursuant to Chapter 2061
3314. of the Revised Code, a science, technology, engineering, 2062
and mathematics school established under Chapter 3326., or a 2063
college-preparatory boarding school established under Chapter 2064
3328. of the Revised Code; 2065

(c) Enrolled in an adjacent or other school district under 2066
section 3313.98 of the Revised Code; 2067

(d) Enrolled in a community school established under 2068
Chapter 3314. of the Revised Code that is not an internet- or 2069
computer-based community school as defined in section 3314.02 of 2070
the Revised Code, including any participation in a college 2071
pursuant to Chapter 3365. of the Revised Code while enrolled in 2072
such community school; 2073

(e) Enrolled in an internet- or computer-based community 2074
school, as defined in section 3314.02 of the Revised Code, 2075
including any participation in a college pursuant to Chapter 2076
3365. of the Revised Code while enrolled in the school; 2077

(f) Enrolled in a chartered nonpublic school with a 2078
scholarship paid under section 3310.08 of the Revised Code and 2079
who qualified for the scholarship under section 3310.03 of the 2080
Revised Code; 2081

(g) Enrolled in kindergarten through grade twelve in an 2082
alternative public provider or a registered private provider 2083
with a scholarship awarded under section 3310.41 of the Revised 2084
Code; 2085

(h) Enrolled as a preschool child with a disability in an 2086
alternative public provider or a registered private provider 2087
with a scholarship awarded under section 3310.41 of the Revised 2088

Code;	2089
(i) Participating in a program operated by a county DD board or a state institution;	2090 2091
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2092 2093 2094 2095 2096
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2097 2098 2099 2100
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	2101 2102 2103
(4) The total enrollment of pupils in joint vocational schools;	2104 2105
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	2106 2107 2108 2109 2110 2111 2112 2113
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised	2114 2115 2116 2117

Code, including children attending a special education program 2118
operated by an alternative public provider or a registered 2119
private provider with a scholarship awarded under sections 2120
3310.51 to 3310.64 of the Revised Code; 2121

(7) The combined enrollment of children with disabilities 2122
reported under division (A)(1) or (2) of this section receiving 2123
special education services for category three disabilities 2124
described in division (C) of section 3317.013 of the Revised 2125
Code, including children attending a special education program 2126
operated by an alternative public provider or a registered 2127
private provider with a scholarship awarded under sections 2128
3310.51 to 3310.64 of the Revised Code; 2129

(8) The combined enrollment of children with disabilities 2130
reported under division (A)(1) or (2) of this section receiving 2131
special education services for category four disabilities 2132
described in division (D) of section 3317.013 of the Revised 2133
Code, including children attending a special education program 2134
operated by an alternative public provider or a registered 2135
private provider with a scholarship awarded under sections 2136
3310.51 to 3310.64 of the Revised Code; 2137

(9) The combined enrollment of children with disabilities 2138
reported under division (A)(1) or (2) of this section receiving 2139
special education services for the category five disabilities 2140
described in division (E) of section 3317.013 of the Revised 2141
Code, including children attending a special education program 2142
operated by an alternative public provider or a registered 2143
private provider with a scholarship awarded under sections 2144
3310.51 to 3310.64 of the Revised Code; 2145

(10) The combined enrollment of children with disabilities 2146
reported under division (A)(1) or (2) and under division (B)(3) 2147

(h) of this section receiving special education services for 2148
category six disabilities described in division (F) of section 2149
3317.013 of the Revised Code, including children attending a 2150
special education program operated by an alternative public 2151
provider or a registered private provider with a scholarship 2152
awarded under either section 3310.41 or sections 3310.51 to 2153
3310.64 of the Revised Code; 2154

(11) The enrollment of pupils reported under division (A) 2155
(1) or (2) of this section on a full-time equivalency basis in 2156
category one career-technical education programs or classes, 2157
described in division (A) of section 3317.014 of the Revised 2158
Code, operated by the school district or by another district 2159
that is a member of the district's career-technical planning 2160
district, other than a joint vocational school district, or by 2161
an educational service center, notwithstanding division (H) of 2162
section 3317.02 of the Revised Code and division (C) (3) of this 2163
section; 2164

(12) The enrollment of pupils reported under division (A) 2165
(1) or (2) of this section on a full-time equivalency basis in 2166
category two career-technical education programs or services, 2167
described in division (B) of section 3317.014 of the Revised 2168
Code, operated by the school district or another school district 2169
that is a member of the district's career-technical planning 2170
district, other than a joint vocational school district, or by 2171
an educational service center, notwithstanding division (H) of 2172
section 3317.02 of the Revised Code and division (C) (3) of this 2173
section; 2174

(13) The enrollment of pupils reported under division (A) 2175
(1) or (2) of this section on a full-time equivalency basis in 2176
category three career-technical education programs or services, 2177

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

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

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

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

Revised Code, excluding any student reported under division (B)	2208
(3) (e) of this section as enrolled in an internet- or computer-	2209
based community school;	2210
(17) The enrollment of pupils reported under division (A)	2211
(1) or (2) of this section who are limited English proficient	2212
students described in division (B) of section 3317.016 of the	2213
Revised Code, excluding any student reported under division (B)	2214
(3) (e) of this section as enrolled in an internet- or computer-	2215
based community school;	2216
(18) The enrollment of pupils reported under division (A)	2217
(1) or (2) of this section who are limited English proficient	2218
students described in division (C) of section 3317.016 of the	2219
Revised Code, excluding any student reported under division (B)	2220
(3) (e) of this section as enrolled in an internet- or computer-	2221
based community school;	2222
(19) The average number of children transported during the	2223
reporting period by the school district on board-owned or	2224
contractor-owned and -operated buses, reported in accordance	2225
with rules adopted by the department of education;	2226
(20) (a) The number of children, other than preschool	2227
children with disabilities, the district placed with a county DD	2228
board in fiscal year 1998. Division (B) (20) (a) of this section	2229
does not apply after fiscal year 2013.	2230
(b) The number of children with disabilities, other than	2231
preschool children with disabilities, placed with a county DD	2232
board in the current fiscal year to receive special education	2233
services for the category one disability described in division	2234
(A) of section 3317.013 of the Revised Code;	2235
(c) The number of children with disabilities, other than	2236

preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	2237 2238 2239 2240
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	2241 2242 2243 2244 2245
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	2246 2247 2248 2249 2250
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	2251 2252 2253 2254 2255
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.	2256 2257 2258 2259 2260
(21) The enrollment of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number	2261 2262 2263 2264 2265

reported under division (B) (21) of this section based on 2266
anything other than family income. 2267

(C) (1) The state board of education shall adopt rules 2268
necessary for implementing divisions (A), (B), and (D) of this 2269
section. 2270

(2) A student enrolled in a community school established 2271
under Chapter 3314., a science, technology, engineering, and 2272
mathematics school established under Chapter 3326., or a 2273
college-preparatory boarding school established under Chapter 2274
3328. of the Revised Code shall be counted in the formula ADM 2275
and, if applicable, the category one, two, three, four, five, or 2276
six special education ADM of the school district in which the 2277
student is entitled to attend school under section 3313.64 or 2278
3313.65 of the Revised Code for the same proportion of the 2279
school year that the student is counted in the enrollment of the 2280
community school, the science, technology, engineering, and 2281
mathematics school, or the college-preparatory boarding school 2282
for purposes of section 3314.08, 3326.33, or 3328.24 of the 2283
Revised Code. Notwithstanding the enrollment of students 2284
certified pursuant to division (B) (3) (d), (e), (j), or (k) of 2285
this section, the department may adjust the formula ADM of a 2286
school district to account for students entitled to attend 2287
school in the district under section 3313.64 or 3313.65 of the 2288
Revised Code who are enrolled in a community school, a science, 2289
technology, engineering, and mathematics school, or a college- 2290
preparatory boarding school for only a portion of the school 2291
year. 2292

(3) No child shall be counted as more than a total of one 2293
child in the sum of the enrollment of students of a school 2294
district under division (A), divisions (B) (1) to (22), or 2295

division (D) of this section, except as follows: 2296

(a) A child with a disability described in section 2297
3317.013 of the Revised Code may be counted both in formula ADM 2298
and in category one, two, three, four, five, or six special 2299
education ADM and, if applicable, in category one, two, three, 2300
four, or five career-technical education ADM. As provided in 2301
division (H) of section 3317.02 of the Revised Code, such a 2302
child shall be counted in category one, two, three, four, five, 2303
or six special education ADM in the same proportion that the 2304
child is counted in formula ADM. 2305

(b) A child enrolled in career-technical education 2306
programs or classes described in section 3317.014 of the Revised 2307
Code may be counted both in formula ADM and category one, two, 2308
three, four, or five career-technical education ADM and, if 2309
applicable, in category one, two, three, four, five, or six 2310
special education ADM. Such a child shall be counted in category 2311
one, two, three, four, or five career-technical education ADM in 2312
the same proportion as the percentage of time that the child 2313
spends in the career-technical education programs or classes. 2314

(4) Based on the information reported under this section, 2315
the department of education shall determine the total student 2316
count, as defined in section 3301.011 of the Revised Code, for 2317
each school district. 2318

(D) (1) The superintendent of each joint vocational school 2319
district shall report and certify to the superintendent of 2320
public instruction as of the last day of October, March, and 2321
June of each year the enrollment of students receiving services 2322
from schools under the superintendent's supervision so that the 2323
department can calculate the district's formula ADM, total ADM, 2324
category one through five career-technical education ADM, 2325

category one through three limited English proficient ADM, 2326
category one through six special education ADM, and for purposes 2327
of provisions of law outside of Chapter 3317. of the Revised 2328
Code, average daily membership. 2329

The enrollment reported and certified by the 2330
superintendent, except as otherwise provided in this division, 2331
shall consist of the the number of students in grades six 2332
through twelve receiving any educational services from the 2333
district, except that the following categories of students shall 2334
not be included in the determination: 2335

(a) Students enrolled in adult education classes; 2336

(b) Adjacent or other district joint vocational students 2337
enrolled in the district under an open enrollment policy 2338
pursuant to section 3313.98 of the Revised Code; 2339

(c) Students receiving services in the district pursuant 2340
to a compact, cooperative education agreement, or a contract, 2341
but who are entitled to attend school in a city, local, or 2342
exempted village school district whose territory is not part of 2343
the territory of the joint vocational district; 2344

(d) Students for whom tuition is payable pursuant to 2345
sections 3317.081 and 3323.141 of the Revised Code. 2346

(2) To enable the department of education to obtain the 2347
data needed to complete the calculation of payments pursuant to 2348
this chapter, each superintendent shall certify from the report 2349
provided under division (D)(1) of this section the enrollment 2350
for each of the following categories of students: 2351

(a) Students enrolled in each individual grade included in 2352
the joint vocational district schools; 2353

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	2354 2355 2356
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	2357 2358 2359
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	2360 2361 2362
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	2363 2364 2365
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	2366 2367 2368
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	2369 2370 2371
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	2372 2373 2374
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	2375 2376 2377
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	2378 2379 2380
(k) Students receiving category four career-technical	2381

education services, described in division (D) of section	2382
3317.014 of the Revised Code;	2383
(1) Students receiving category five career-technical	2384
education services, described in division (E) of section	2385
3317.014 of the Revised Code;	2386
(m) Limited English proficient students described in	2387
division (A) of section 3317.016 of the Revised Code;	2388
(n) Limited English proficient students described in	2389
division (B) of section 3317.016 of the Revised Code;	2390
(o) Limited English proficient students described in	2391
division (C) of section 3317.016 of the Revised Code;	2392
(p) Students who are economically disadvantaged, as	2393
defined by the department. A student shall not be categorically	2394
excluded from the number reported under division (D) (2) (p) of	2395
this section based on anything other than family income.	2396
The superintendent of each joint vocational school	2397
district shall also indicate the city, local, or exempted	2398
village school district in which each joint vocational district	2399
pupil is entitled to attend school pursuant to section 3313.64	2400
or 3313.65 of the Revised Code.	2401
(E) In each school of each city, local, exempted village,	2402
joint vocational, and cooperative education school district	2403
there shall be maintained a record of school enrollment, which	2404
record shall accurately show, for each day the school is in	2405
session, the actual enrollment in regular day classes. For the	2406
purpose of determining the enrollment of students, the	2407
enrollment figure of any school shall not include any pupils	2408
except those pupils described by division (A) of this section.	2409
The record of enrollment for each school shall be maintained in	2410

such manner that no pupil shall be counted as enrolled prior to 2411
the actual date of entry in the school and also in such manner 2412
that where for any cause a pupil permanently withdraws from the 2413
school that pupil shall not be counted as enrolled from and 2414
after the date of such withdrawal. There shall not be included 2415
in the enrollment of any school any of the following: 2416

(1) Any pupil who has graduated from the twelfth grade of 2417
a public or nonpublic high school; 2418

(2) Any pupil who is not a resident of the state; 2419

(3) Any pupil who was enrolled in the schools of the 2420
district during the previous school year when assessments were 2421
administered under section 3301.0711 of the Revised Code but did 2422
not take one or more of the assessments required by that section 2423
and was not excused pursuant to division (C) (1) or (3) of that 2424
section; 2425

(4) Any pupil who has attained the age of twenty-two 2426
years, except for veterans of the armed services whose 2427
attendance was interrupted before completing the recognized 2428
twelve-year course of the public schools by reason of induction 2429
or enlistment in the armed forces and who apply for reenrollment 2430
in the public school system of their residence not later than 2431
four years after termination of war or their honorable 2432
discharge; 2433

(5) Any pupil who has a certificate of high school 2434
equivalence ~~diploma~~ as defined in section 5107.40 of the Revised 2435
Code. 2436

If, however, any veteran described by division (E) (4) of 2437
this section elects to enroll in special courses organized for 2438
veterans for whom tuition is paid under the provisions of 2439

federal laws, or otherwise, that veteran shall not be included 2440
in the enrollment of students determined under this section. 2441

Notwithstanding division (E) (3) of this section, the 2442
enrollment of any school may include a pupil who did not take an 2443
assessment required by section 3301.0711 of the Revised Code if 2444
the superintendent of public instruction grants a waiver from 2445
the requirement to take the assessment to the specific pupil and 2446
a parent is not paying tuition for the pupil pursuant to section 2447
3313.6410 of the Revised Code. The superintendent may grant such 2448
a waiver only for good cause in accordance with rules adopted by 2449
the state board of education. 2450

The formula ADM, total ADM, category one through five 2451
career-technical education ADM, category one through three 2452
limited English proficient ADM, category one through six special 2453
education ADM, preschool scholarship ADM, transportation ADM, 2454
and, for purposes of provisions of law outside of Chapter 3317. 2455
of the Revised Code, average daily membership of any school 2456
district shall be determined in accordance with rules adopted by 2457
the state board of education. 2458

(F) (1) If a student attending a community school under 2459
Chapter 3314., a science, technology, engineering, and 2460
mathematics school established under Chapter 3326., or a 2461
college-preparatory boarding school established under Chapter 2462
3328. of the Revised Code is not included in the formula ADM 2463
calculated for the school district in which the student is 2464
entitled to attend school under section 3313.64 or 3313.65 of 2465
the Revised Code, the department of education shall adjust the 2466
formula ADM of that school district to include the student in 2467
accordance with division (C) (2) of this section, and shall 2468
recalculate the school district's payments under this chapter 2469

for the entire fiscal year on the basis of that adjusted formula 2470
ADM. 2471

(2) If a student awarded an educational choice scholarship 2472
is not included in the formula ADM of the school district from 2473
which the department deducts funds for the scholarship under 2474
section 3310.08 of the Revised Code, the department shall adjust 2475
the formula ADM of that school district to include the student 2476
to the extent necessary to account for the deduction, and shall 2477
recalculate the school district's payments under this chapter 2478
for the entire fiscal year on the basis of that adjusted formula 2479
ADM. 2480

(3) If a student awarded a scholarship under the Jon 2481
Peterson special needs scholarship program is not included in 2482
the formula ADM of the school district from which the department 2483
deducts funds for the scholarship under section 3310.55 of the 2484
Revised Code, the department shall adjust the formula ADM of 2485
that school district to include the student to the extent 2486
necessary to account for the deduction, and shall recalculate 2487
the school district's payments under this chapter for the entire 2488
fiscal year on the basis of that adjusted formula ADM. 2489

(G) (1) (a) The superintendent of an institution operating a 2490
special education program pursuant to section 3323.091 of the 2491
Revised Code shall, for the programs under such superintendent's 2492
supervision, certify to the state board of education, in the 2493
manner prescribed by the superintendent of public instruction, 2494
both of the following: 2495

(i) The unduplicated count of the number of all children 2496
with disabilities other than preschool children with 2497
disabilities receiving services at the institution for each 2498
category of disability described in divisions (A) to (F) of 2499

section 3317.013 of the Revised Code adjusted for the portion of 2500
the year each child is so enrolled; 2501

(ii) The unduplicated count of the number of all preschool 2502
children with disabilities in classes or programs for whom the 2503
district is eligible to receive funding under section 3317.0213 2504
of the Revised Code adjusted for the portion of the year each 2505
child is so enrolled, reported according to the categories 2506
prescribed in section 3317.013 of the Revised Code. 2507

(b) The superintendent of an institution with career- 2508
technical education units approved under section 3317.05 of the 2509
Revised Code shall, for the units under the superintendent's 2510
supervision, certify to the state board of education the 2511
enrollment in those units, in the manner prescribed by the 2512
superintendent of public instruction. 2513

(2) The superintendent of each county DD board that 2514
maintains special education classes under section 3317.20 of the 2515
Revised Code or provides services to preschool children with 2516
disabilities pursuant to an agreement between the DD board and 2517
the appropriate school district shall do both of the following: 2518

(a) Certify to the state board, in the manner prescribed 2519
by the board, the enrollment in classes under section 3317.20 of 2520
the Revised Code for each school district that has placed 2521
children in the classes; 2522

(b) Certify to the state board, in the manner prescribed 2523
by the board, the unduplicated count of the number of all 2524
preschool children with disabilities enrolled in classes for 2525
which the DD board is eligible to receive funding under section 2526
3317.0213 of the Revised Code adjusted for the portion of the 2527
year each child is so enrolled, reported according to the 2528

categories prescribed in section 3317.013 of the Revised Code, 2529
and the number of those classes. 2530

(H) Except as provided in division (I) of this section, 2531
when any city, local, or exempted village school district 2532
provides instruction for a nonresident pupil whose attendance is 2533
unauthorized attendance as defined in section 3327.06 of the 2534
Revised Code, that pupil's enrollment shall not be included in 2535
that district's enrollment figure used in calculating the 2536
district's payments under this chapter. The reporting official 2537
shall report separately the enrollment of all pupils whose 2538
attendance in the district is unauthorized attendance, and the 2539
enrollment of each such pupil shall be credited to the school 2540
district in which the pupil is entitled to attend school under 2541
division (B) of section 3313.64 or section 3313.65 of the 2542
Revised Code as determined by the department of education. 2543

(I) (1) A city, local, exempted village, or joint 2544
vocational school district admitting a scholarship student of a 2545
pilot project district pursuant to division (C) of section 2546
3313.976 of the Revised Code may count such student in its 2547
enrollment. 2548

(2) In any year for which funds are appropriated for pilot 2549
project scholarship programs, a school district implementing a 2550
state-sponsored pilot project scholarship program that year 2551
pursuant to sections 3313.974 to 3313.979 of the Revised Code 2552
may count in its enrollment: 2553

(a) All children residing in the district and utilizing a 2554
scholarship to attend kindergarten in any alternative school, as 2555
defined in section 3313.974 of the Revised Code; 2556

(b) All children who were enrolled in the district in the 2557

preceding year who are utilizing a scholarship to attend an 2558
alternative school. 2559

(J) The superintendent of each cooperative education 2560
school district shall certify to the superintendent of public 2561
instruction, in a manner prescribed by the state board of 2562
education, the applicable enrollments for all students in the 2563
cooperative education district, also indicating the city, local, 2564
or exempted village district where each pupil is entitled to 2565
attend school under section 3313.64 or 3313.65 of the Revised 2566
Code. 2567

(K) If the superintendent of public instruction determines 2568
that a component of the enrollment certified or reported by a 2569
district superintendent, or other reporting entity, is not 2570
correct, the superintendent of public instruction may order that 2571
the formula ADM used for the purposes of payments under any 2572
section of Title XXXVIII of the Revised Code be adjusted in the 2573
amount of the error. 2574

Sec. 3317.064. (A) There is hereby established in the 2575
state treasury the auxiliary services reimbursement fund. By the 2576
thirtieth day of January of each odd-numbered year, the director 2577
of job and family services and the superintendent of public 2578
instruction shall determine the amount of any excess moneys in 2579
the auxiliary services personnel unemployment compensation fund 2580
not reasonably necessary for the purposes of section 4141.47 of 2581
the Revised Code, and shall certify such amount to the director 2582
of budget and management for transfer to the auxiliary services 2583
reimbursement fund. If the director of job and family services 2584
and the superintendent disagree on such amount, the director of 2585
budget and management shall determine the amount to be 2586
transferred. 2587

(B) ~~Moneys—Except as provided in divisions (C) and (D) of~~ 2588
~~this section, moneys~~ in the auxiliary services reimbursement 2589
fund shall be used for the relocation or for the replacement and 2590
repair of mobile units used to provide the services specified in 2591
division (E), (F), (G), or (I) of section 3317.06 of the Revised 2592
Code. The state board of education shall adopt guidelines and 2593
procedures for replacement, repair, and relocation of mobile 2594
units and the procedures under which a school district may apply 2595
to receive moneys with which to repair or replace or relocate 2596
such units. 2597

(C) School districts may apply to the department for 2598
moneys from the auxiliary services reimbursement fund for 2599
payment of incentives for early retirement and severance for 2600
school district personnel assigned to provide services 2601
authorized by section 3317.06 of the Revised Code at chartered 2602
nonpublic schools. The portion of the cost of any early 2603
retirement or severance incentive for any employee that is paid 2604
using money from the auxiliary services reimbursement fund shall 2605
not exceed the percentage of such employee's total service 2606
credit that the employee spent providing services to chartered 2607
nonpublic school students under section 3317.06 of the Revised 2608
Code. 2609

(D) The department of education may use a portion of the 2610
moneys in the auxiliary services reimbursement fund to make 2611
payments for chartered nonpublic school students under section 2612
3365.07 of the Revised Code, in accordance with rules adopted 2613
pursuant to section 3365.071 of the Revised Code. 2614

Sec. 3317.25. (A) As used in this section, "economically 2615
disadvantaged funds" means the following: 2616

(1) For a city, local, or exempted village school 2617

district, the funds received under division (A) (5) of section	2618
3317.022 of the Revised Code;	2619
(2) For a joint vocational school district, the funds	2620
received under division (A) (3) of section 3317.16 of the Revised	2621
Code;	2622
(3) For a community school established under Chapter 3314.	2623
of the Revised Code, the funds received under division (C) (1) (e)	2624
of section 3314.08 of the Revised Code;	2625
(4) For a STEM school established under Chapter 3326. of	2626
the Revised Code, the funds received under division (E) of	2627
section 3326.33 of the Revised Code.	2628
(B) In any fiscal year, a city, local, exempted village,	2629
or joint vocational school district, community school, or STEM	2630
school shall spend the economically disadvantaged funds it	2631
receives for any of the following initiatives or a combination	2632
of any of the following initiatives:	2633
(1) Extended school day and school year;	2634
(2) Reading improvement and intervention;	2635
(3) Instructional technology or blended learning;	2636
(4) Professional development in reading instruction for	2637
teachers of students in kindergarten through third grade;	2638
(5) Dropout prevention;	2639
(6) School safety and security measures;	2640
(7) Community learning centers that address barriers to	2641
learning;	2642
(8) Academic interventions for students in any of grades	2643
six through twelve;	2644

(9) Employment of an individual who has successfully 2645
completed the bright new leaders for Ohio schools program as a 2646
principal or an assistant principal. As used in this section, 2647
"bright new leaders for Ohio schools program" has the same 2648
meaning as in section 3319.271 of the Revised Code. 2649

(C) At the end of each fiscal year, each city, local, 2650
exempted village, or joint vocational school district, community 2651
school, and STEM school shall submit a report to the department 2652
of education describing the initiative or initiatives on which 2653
the district's or school's economically disadvantaged funds were 2654
spent during that fiscal year. 2655

(D) Starting in 2015, the department shall submit a report 2656
of the information it receives under division (C) of this 2657
section to the General Assembly not later than the first day of 2658
December of each odd-numbered year in accordance with section 2659
101.68 of the Revised Code. 2660

Sec. 3326.11. Each science, technology, engineering, and 2661
mathematics school established under this chapter and its 2662
governing body shall comply with sections 9.90, 9.91, 109.65, 2663
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2664
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 2665
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 2666
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 2667
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 2668
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 2669
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2670
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2671
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 2672
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 2673
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 2674

3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 2675
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 2676
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 2677
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 2678
the Revised Code as if it were a school district. 2679

Sec. 3328.24. A college-preparatory boarding school 2680
established under this chapter and its board of trustees shall 2681
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 2682
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6021, 3313.6411, 2683
3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 2684
Chapter 3365. of the Revised Code as if the school were a school 2685
district and the school's board of trustees were a district 2686
board of education. 2687

Sec. 4109.06. (A) This chapter does not apply to the 2688
following: 2689

(1) Minors who are students working on any properly 2690
guarded machines in the manual training department of any school 2691
when the work is performed under the personal supervision of an 2692
instructor; 2693

(2) Students participating in a vocational program 2694
approved by the Ohio department of education; 2695

(3) A minor participating in a play, pageant, or concert 2696
produced by an outdoor historical drama corporation, a 2697
professional traveling theatrical production, a professional 2698
concert tour, or a personal appearance tour as a professional 2699
motion picture star, or as an actor or performer in motion 2700
pictures or in radio or television productions in accordance 2701
with the rules adopted pursuant to division (A) of section 2702
4109.05 of the Revised Code; 2703

(4) The participation, without remuneration of a minor and 2704
with the consent of a parent or guardian, in a performance given 2705
by a church, school, or academy, or at a concert or 2706
entertainment given solely for charitable purposes, or by a 2707
charitable or religious institution; 2708

(5) Minors who are employed by their parents in 2709
occupations other than occupations prohibited by rule adopted 2710
under this chapter; 2711

(6) Minors engaged in the delivery of newspapers to the 2712
consumer; 2713

(7) Minors who have received a high school diploma or a 2714
certificate of attendance from an accredited secondary school or 2715
a certificate of high school equivalence; 2716

(8) Minors who are currently heads of households or are 2717
parents contributing to the support of their children; 2718

(9) Minors engaged in lawn mowing, snow shoveling, and 2719
other related employment; 2720

(10) Minors employed in agricultural employment in 2721
connection with farms operated by their parents, grandparents, 2722
or guardians where they are members of the guardians' household. 2723
Minors are not exempt from this chapter if they reside in 2724
agricultural labor camps as defined in section 3733.41 of the 2725
Revised Code; 2726

(11) Students participating in a program to serve as 2727
precinct officers as authorized by section 3501.22 of the 2728
Revised Code. 2729

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 2730
Revised Code do not apply to the following: 2731

(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;	2732 2733
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	2734 2735 2736 2737
(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.	2738 2739
(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:	2740 2741 2742
(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after that consultation, the court,	2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761

the superintendent, or the chief administrative officer finds 2762
the minor has shown the restricted hours will cause a 2763
substantial hardship or are not in the minor's best interests, 2764
the court, the superintendent, or the chief administrative 2765
officer shall establish differing hours of employment for the 2766
minor and notify the minor and the minor's employer of those 2767
hours, which shall be binding in lieu of the restrictions on the 2768
hours of employment described in division (D) of section 4109.07 2769
of the Revised Code. 2770

(2) Any minor to whom division (C)(1) of this section does 2771
not apply may either file a petition in the juvenile court in 2772
whose jurisdiction the person resides, or apply to the 2773
superintendent or to the chief administrative officer who issued 2774
the minor's age and schooling certificate pursuant to section 2775
3331.01 of the Revised Code, alleging the restrictions on the 2776
hours of employment described in division (D) of section 4109.07 2777
of the Revised Code will cause a substantial hardship or are not 2778
in the minor's best interests. 2779

If, as a result of a petition or application, the court, 2780
the superintendent, or the chief administrative officer, as 2781
appropriate, finds the minor has failed to show such 2782
restrictions will result in a substantial hardship or that the 2783
restrictions are not in the minor's best interests, the court, 2784
the superintendent, or the chief administrative officer shall 2785
uphold the restrictions. If the court, the superintendent, or 2786
the chief administrative officer finds the minor has shown the 2787
restricted hours will cause a substantial hardship or are not in 2788
the minor's best interests, the court, the superintendent, or 2789
the chief administrative officer shall establish the hours of 2790
employment for the minor and shall notify the minor and the 2791
minor's employer of those hours. 2792

(D) Section 4109.03, divisions (A) and (C) of section 2793
4109.02, and division (B) of section 4109.08 of the Revised Code 2794
do not apply to minors who are sixteen or seventeen years of age 2795
and who are employed at a seasonal amusement or recreational 2796
establishment. 2797

(E) As used in this section, "certificate of high school 2798
equivalence" means ~~a~~either: 2799

(1) A statement issued by the ~~state board~~ department of 2800
education or an equivalent agency of another state that the 2801
holder of the statement has achieved the equivalent of a high 2802
school education as measured by scores obtained on ~~the tests of~~ 2803
~~general educational development published by the American~~ 2804
~~council on education~~ a high school equivalency test approved by 2805
the department pursuant to division (B) of section 3301.80 of 2806
the Revised Code; 2807

(2) A statement issued by a primary-secondary education or 2808
higher education agency of another state that the holder of the 2809
statement has achieved the equivalent of a high school education 2810
as measured by scores obtained on a similar nationally 2811
recognized high school equivalency test. 2812

Sec. 4510.32. (A) The registrar of motor vehicles shall 2813
record within ten days of receipt and keep at the main office of 2814
the bureau of motor vehicles all information provided to the 2815
registrar by the superintendent of a school district in 2816
accordance with division (B) of section 3321.13 of the Revised 2817
Code. 2818

(B) Whenever the registrar receives a notice under 2819
division (B) of section 3321.13 of the Revised Code, the 2820
registrar shall impose a class F suspension of the temporary 2821

instruction permit or driver's license of the person who is the 2822
subject of the notice for the period of time specified in 2823
division (B) (6) of section 4510.02 of the Revised Code, or, if 2824
the person has not been issued a temporary instruction permit or 2825
driver's license, the registrar shall deny to the person the 2826
issuance of a permit or license. The requirements of the second 2827
paragraph of section 119.06 of the Revised Code do not apply to 2828
a suspension of a person's temporary instruction permit or 2829
driver's license or a denial of a person's opportunity to obtain 2830
a temporary instruction permit or driver's license by the 2831
registrar under this division. 2832

(C) Upon suspending the temporary instruction permit or 2833
driver's license of any person or denying any person the 2834
opportunity to be issued such a license or permit as provided in 2835
division (B) of this section, the registrar immediately shall 2836
notify the person in writing of the suspension or denial and 2837
inform the person that the person may petition for a hearing as 2838
provided in division (E) of this section. 2839

(D) Any person whose permit or license is suspended under 2840
this section shall mail or deliver the person's permit or 2841
license to the registrar of motor vehicles within twenty days of 2842
notification of the suspension; however, the person's permit or 2843
license and the person's driving privileges shall be suspended 2844
immediately upon receipt of the notification. The registrar may 2845
retain the permit or license during the period of the suspension 2846
or the registrar may destroy it under section 4510.52 of the 2847
Revised Code. 2848

(E) Any person whose temporary instruction permit or 2849
driver's license has been suspended, or whose opportunity to 2850
obtain such a permit or license has been denied pursuant to this 2851

section, may file a petition in the juvenile court in whose 2852
jurisdiction the person resides alleging error in the action 2853
taken by the registrar under division (B) of this section or 2854
alleging one or more of the matters within the scope of the 2855
hearing, as described in this division, or both. The petitioner 2856
shall notify the registrar and the superintendent of the school 2857
district who gave the notice to the registrar and juvenile judge 2858
under division (B) of section 3321.13 of the Revised Code of the 2859
filing of the petition and send them copies of the petition. The 2860
scope of the hearing is limited to the issues of whether the 2861
notice given by the superintendent to the registrar was in error 2862
and whether the suspension or denial of driving privileges will 2863
result in substantial hardship to the petitioner. 2864

The registrar shall furnish the court a copy of the record 2865
created in accordance with division (A) of this section. The 2866
registrar and the superintendent shall furnish the court with 2867
any other relevant information required by the court. 2868

In hearing the matter and determining whether the 2869
petitioner has shown that the petitioner's temporary instruction 2870
permit or driver's license should not be suspended or that the 2871
petitioner's opportunity to obtain such a permit or license 2872
should not be denied, the court shall decide the issue upon the 2873
information furnished by the registrar and the superintendent 2874
and any such additional evidence that the registrar, the 2875
superintendent, or the petitioner submits. 2876

If the court finds from the evidence submitted that the 2877
petitioner has failed to show error in the action taken by the 2878
registrar under division (B) of this section and has failed to 2879
prove any of the matters within the scope of the hearing, then 2880
the court may assess the cost of the proceeding against the 2881

petitioner and shall uphold the suspension of the petitioner's 2882
permit or license or the denial of the petitioner's opportunity 2883
to obtain a permit or license. If the court finds that the 2884
petitioner has shown error in the action taken by the registrar 2885
under division (B) of this section or has proved one or more of 2886
the matters within the scope of the hearing, or both, the cost 2887
of the proceeding shall be paid out of the county treasury of 2888
the county in which the proceedings were held, and the 2889
suspension of the petitioner's permit or license or the denial 2890
of the person's opportunity to obtain a permit or license shall 2891
be terminated. 2892

(F) The registrar shall cancel the record created under 2893
this section of any person who is the subject of a notice given 2894
under division (B) of section 3321.13 of the Revised Code and 2895
shall terminate the suspension of the person's permit or license 2896
or the denial of the person's opportunity to obtain a permit or 2897
license, if any of the following applies: 2898

(1) The person is at least eighteen years of age. 2899

(2) The person provides evidence, as the registrar shall 2900
require by rule, of receipt of a high school diploma or a 2901
~~general educational development~~ certificate of high school 2902
equivalence. 2903

(3) The superintendent of a school district informs the 2904
registrar that the notification of withdrawal, habitual absence 2905
without legitimate excuse, suspension, or expulsion concerning 2906
the person was in error. 2907

(4) The suspension or denial was imposed subsequent to a 2908
notification given under division (B) (3) or (4) of section 2909
3321.13 of the Revised Code, and the superintendent of a school 2910

district informs the registrar that the person in question has 2911
satisfied any terms or conditions established by the school as 2912
necessary to terminate the suspension or denial of driving 2913
privileges. 2914

(5) The suspension or denial was imposed subsequent to a 2915
notification given under division (B)(1) of section 3321.13 of 2916
the Revised Code, and the superintendent of a school district 2917
informs the registrar that the person in question is now 2918
attending school or enrolled in and attending an approved 2919
program to obtain a diploma or its equivalent to the 2920
satisfaction of the school superintendent. 2921

(6) The suspension or denial was imposed subsequent to a 2922
notification given under division (B)(2) of section 3321.13 of 2923
the Revised Code, the person has completed at least one semester 2924
or term of school after the one in which the notification was 2925
given, the person requests the superintendent of the school 2926
district to notify the registrar that the person no longer is 2927
habitually absent without legitimate excuse, the superintendent 2928
determines that the person has not been absent from school 2929
without legitimate excuse in the current semester or term, as 2930
determined under that division, for more than ten consecutive 2931
school days or for more than fifteen total school days, and the 2932
superintendent informs the registrar of that fact. If a person 2933
described in division (F)(6) of this section requests the 2934
superintendent of the school district to notify the registrar 2935
that the person no longer is habitually absent without 2936
legitimate excuse and the superintendent makes the determination 2937
described in this division, the superintendent shall provide the 2938
information described in division (F)(6) of this section to the 2939
registrar within five days after receiving the request. 2940

(7) The suspension or denial was imposed subsequent to a 2941
notification given under division (B) (2) of section 3321.13 of 2942
the Revised Code, and the superintendent of a school district 2943
informs the registrar that the person in question has received 2944
an age and schooling certificate in accordance with section 2945
3331.01 of the Revised Code. 2946

(8) The person filed a petition in court under division 2947
(E) of this section and the court found that the person showed 2948
error in the action taken by the registrar under division (B) of 2949
this section or proved one or more of the matters within the 2950
scope of the hearing on the petition, as set forth in division 2951
(E) of this section, or both. 2952

At the end of the suspension period under this section and 2953
upon the request of the person whose temporary instruction 2954
permit or driver's license was suspended, the registrar shall 2955
return the driver's license or permit to the person or reissue 2956
the person's license or permit under section 4510.52 of the 2957
Revised Code, if the registrar destroyed the suspended license 2958
or permit under that section. 2959

Sec. 4709.04. (A) There is hereby created a barber board 2960
consisting of three members to be appointed by the governor with 2961
the advice and consent of the senate as follows: two barbers, 2962
one of whom is an employer barber and one of whom is employed as 2963
a barber, both of whom have been licensed in this state for at 2964
least five years immediately preceding their appointment; and 2965
one person who represents the general public and who has no 2966
connection to the practice of barbering except as a consumer of 2967
barbering services. Each member of the board shall have received 2968
a high school diploma or a certificate of high school 2969
equivalence ~~issued by the state board of education.~~ No more than 2970

two members of the board shall be of the same political party. 2971
No member of the board shall be financially interested in, or 2972
have any financial connection with, any barber school or 2973
wholesale cosmetic, barber supply, or equipment business, nor 2974
shall any member teach barbering for monetary consideration. 2975
Terms of office are for three years, commencing on the twenty- 2976
seventh day of September and ending on the twenty-sixth day of 2977
September. Each member shall serve on the board from the date of 2978
~~his~~ appointment until the end of the term for which ~~he was~~ 2979
appointed except that if a successor member has not been 2980
appointed by the end of the term, the member shall continue 2981
until the appointment or until a period of sixty days has 2982
elapsed, whichever occurs first. In the case of vacancies 2983
occurring on the board, the governor shall, in the same manner 2984
prescribed for regular appointment to the board, fill the 2985
position by appointing a member to serve for the remainder of 2986
the term. 2987

(B) A majority of the members of the board constitutes a 2988
quorum to transact and vote on the business of the board. Each 2989
member shall receive an amount fixed pursuant to division (J) of 2990
section 124.15 of the Revised Code for each day actually 2991
employed in the discharge of ~~his~~ official duties. In addition, 2992
each member shall receive ~~his~~ the actual and ~~his~~ necessary 2993
expenses incurred in the performance of ~~his~~ official duties. 2994

(C) The governor may remove any member for cause prior to 2995
the expiration of the member's term of office. 2996

Sec. 4723.651. (A) To be eligible to receive a medication 2997
aide certificate, an applicant shall meet all of the following 2998
conditions: 2999

(1) Be at least eighteen years of age; 3000

- (2) Have a high school diploma or a certificate of high school equivalence diploma—as defined in section 5107.40 of the Revised Code; 3001
3002
3003
- (3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code; 3004
3005
3006
3007
- (4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility; 3008
3009
3010
3011
3012
3013
- (5) Successfully complete the course of instruction provided by a training program approved by the board under section 4723.66 of the Revised Code; 3014
3015
3016
- (6) Not be ineligible for licensure or certification as specified in section 4723.092 of the Revised Code; 3017
3018
- (7) Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both; 3019
3020
3021
3022
- (8) Not be required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country; 3023
3024
3025
- (9) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code. 3026
3027
3028

(B) If an applicant meets the requirement specified in 3029
division (A) of this section, the board shall issue a medication 3030
aide certificate to the applicant. If a medication aide 3031
certificate is issued to an individual on the basis of having at 3032
least one year of direct care experience working in a 3033
residential care facility, as provided in division (A)(4) of 3034
this section, the certificate is valid for use only in a 3035
residential care facility. The board shall state the limitation 3036
on the certificate issued to the individual. 3037

(C) A medication aide certificate is valid for two years, 3038
unless earlier suspended or revoked. The certificate may be 3039
renewed in accordance with procedures specified by the board in 3040
rules adopted under section 4723.69 of the Revised Code. To be 3041
eligible for renewal, an applicant shall pay the renewal fee 3042
established in the rules and meet all renewal qualifications 3043
specified in the rules. 3044

Sec. 4723.74. (A) A person who seeks to operate a dialysis 3045
training program shall apply to the board of nursing for 3046
approval of the program. Applications shall be submitted in 3047
accordance with rules adopted under section 4723.79 of the 3048
Revised Code. The person shall include with the application the 3049
fee prescribed in those rules. If the program meets the 3050
requirements for approval as specified in the rules, the board 3051
shall approve the program. A program shall apply for reapproval 3052
and may be reapproved in accordance with rules adopted under 3053
section 4723.79 of the Revised Code. 3054

(B) The board may place on provisional approval, for a 3055
period of time it specifies, a dialysis training program that 3056
has ceased to meet and maintain the minimum standards of the 3057
board established by rules adopted under section 4723.79 of the 3058

Revised Code. Prior to or at the end of the period, the board 3059
shall reconsider whether the program meets the standards. The 3060
board shall grant full approval if the program meets the 3061
standards. If the program does not meet the standards, the board 3062
may withdraw approval in accordance with division (C) of this 3063
section. 3064

(C) The board may withdraw the approval of a program that 3065
ceases to meet the requirements for approval. Any action to 3066
withdraw the approval shall be taken in accordance with Chapter 3067
119. of the Revised Code. 3068

(D) An individual shall not be permitted to enroll, and 3069
shall not enroll, in a dialysis training program approved by the 3070
board under this section unless the individual is eighteen years 3071
of age or older and possesses a high school diploma or 3072
certificate of high school equivalence~~diploma~~. 3073

Sec. 4735.09. (A) Application for a license as a real 3074
estate salesperson shall be made to the superintendent of real 3075
estate on forms furnished by the superintendent and signed by 3076
the applicant. The application shall be in the form prescribed 3077
by the superintendent and shall contain such information as is 3078
required by this chapter and the rules of the Ohio real estate 3079
commission. The application shall be accompanied by the 3080
recommendation of the real estate broker with whom the applicant 3081
is associated or with whom the applicant intends to be 3082
associated, certifying that the applicant is honest, truthful, 3083
and of good reputation, has not been convicted of a felony or a 3084
crime involving moral turpitude, and has not been finally 3085
adjudged by a court to have violated any municipal, state, or 3086
federal civil rights laws relevant to the protection of 3087
purchasers or sellers of real estate, which conviction or 3088

adjudication the applicant has not disclosed to the 3089
superintendent, and recommending that the applicant be admitted 3090
to the real estate salesperson examination. 3091

(B) A fee of sixty dollars shall accompany the 3092
application, which fee includes the fee for the initial year of 3093
the licensing period, if a license is issued. The initial year 3094
of the licensing period commences at the time the license is 3095
issued and ends on the applicant's first birthday thereafter. 3096
The application fee shall be nonrefundable. A fee of sixty 3097
dollars shall be charged by the superintendent for each 3098
successive application made by the applicant. One dollar of each 3099
application fee shall be credited to the real estate education 3100
and research fund. 3101

(C) There shall be no limit placed on the number of times 3102
an applicant may retake the examination. 3103

(D) The superintendent, with the consent of the 3104
commission, may enter into an agreement with a recognized 3105
national testing service to administer the real estate 3106
salesperson's examination under the superintendent's supervision 3107
and control, consistent with the requirements of this chapter as 3108
to the contents of the examination. 3109

If the superintendent, with the consent of the commission, 3110
enters into an agreement with a national testing service to 3111
administer the real estate salesperson's examination, the 3112
superintendent may require an applicant to pay the testing 3113
service's examination fee directly to the testing service. If 3114
the superintendent requires the payment of the examination fee 3115
directly to the testing service, each applicant shall submit to 3116
the superintendent a processing fee in an amount determined by 3117
the Ohio real estate commission pursuant to division (A) (1) of 3118

section 4735.10 of the Revised Code. 3119

(E) The superintendent shall issue a real estate 3120
salesperson's license when satisfied that the applicant has 3121
received a passing score on each portion of the salesperson's 3122
examination as determined by rule by the real estate commission, 3123
except that the superintendent may waive one or more of the 3124
requirements of this section in the case of an applicant who is 3125
a licensed real estate salesperson in another state pursuant to 3126
a reciprocity agreement with the licensing authority of the 3127
state from which the applicant holds a valid real estate 3128
salesperson's license. 3129

(F) No applicant for a salesperson's license shall take 3130
the salesperson's examination who has not established to the 3131
satisfaction of the superintendent that the applicant: 3132

(1) Is honest, truthful, and of good reputation; 3133

(2) (a) Has not been convicted of a felony or crime of 3134
moral turpitude or, if the applicant has been so convicted, the 3135
superintendent has disregarded the conviction because the 3136
applicant has proven to the superintendent, by a preponderance 3137
of the evidence, that the applicant's activities and employment 3138
record since the conviction show that the applicant is honest, 3139
truthful, and of good reputation, and there is no basis in fact 3140
for believing that the applicant again will violate the laws 3141
involved; 3142

(b) Has not been finally adjudged by a court to have 3143
violated any municipal, state, or federal civil rights laws 3144
relevant to the protection of purchasers or sellers of real 3145
estate or, if the applicant has been so adjudged, at least two 3146
years have passed since the court decision and the 3147

superintendent has disregarded the adjudication because the 3148
applicant has proven, by a preponderance of the evidence, that 3149
the applicant is honest, truthful, and of good reputation, and 3150
there is no basis in fact for believing that the applicant again 3151
will violate the laws involved. 3152

(3) Has not, during any period in which the applicant was 3153
licensed under this chapter, violated any provision of, or any 3154
rule adopted pursuant to this chapter, or, if the applicant has 3155
violated such provision or rule, has established to the 3156
satisfaction of the superintendent that the applicant will not 3157
again violate such provision or rule; 3158

(4) Is at least eighteen years of age; 3159

(5) If born after the year 1950, has a high school diploma 3160
or ~~its equivalent as recognized~~ a certificate of high school 3161
equivalence issued by the ~~state~~ department of education; 3162

(6) Has successfully completed at an institution of higher 3163
education all of the following: 3164

(a) Forty hours of classroom instruction in real estate 3165
practice; 3166

(b) Forty hours of classroom instruction that includes the 3167
subjects of Ohio real estate law, municipal, state, and federal 3168
civil rights law, new case law on housing discrimination, 3169
desegregation issues, and methods of eliminating the effects of 3170
prior discrimination. If feasible, the classroom instruction in 3171
Ohio real estate law shall be taught by a member of the faculty 3172
of an accredited law school. If feasible, the classroom 3173
instruction in municipal, state, and federal civil rights law, 3174
new case law on housing discrimination, desegregation issues, 3175
and methods of eliminating the effects of prior discrimination 3176

shall be taught by a staff member of the Ohio civil rights 3177
commission who is knowledgeable with respect to those subjects. 3178
The requirements of this division do not apply to an applicant 3179
who is admitted to practice before the supreme court. 3180

(c) Twenty hours of classroom instruction in real estate 3181
appraisal; 3182

(d) Twenty hours of classroom instruction in real estate 3183
finance. 3184

(G) Division (F) (6) (c) of this section does not apply to 3185
any new applicant who holds a valid Ohio real estate appraiser 3186
license or certificate issued prior to the date of application 3187
for a real estate salesperson's license. 3188

(H) Any person who has not been licensed as a real estate 3189
salesperson or broker within a four-year period immediately 3190
preceding the person's current application for the salesperson's 3191
examination shall have successfully completed the prelicensure 3192
classroom instruction required by division (F) (6) of this 3193
section within a ten-year period immediately preceding the 3194
person's current application for the salesperson's examination. 3195

(I) Not earlier than the date of issue of a real estate 3196
salesperson's license to a licensee, but not later than twelve 3197
months after the date of issue of a real estate salesperson 3198
license to a licensee, the licensee shall submit proof 3199
satisfactory to the superintendent, on forms made available by 3200
the superintendent, of the completion of ten hours of classroom 3201
instruction that shall be completed in schools, seminars, and 3202
educational institutions approved by the commission. Approval of 3203
the curriculum and providers shall be granted according to rules 3204
adopted pursuant to section 4735.10 of the Revised Code. 3205

If proof of completion of the required instruction is not 3206
submitted within twelve months of the date a license is issued 3207
under this section, the licensee's license is suspended 3208
automatically without the taking of any action by the 3209
superintendent. The superintendent immediately shall notify the 3210
broker with whom such salesperson is associated of the 3211
suspension of the salesperson's license. A salesperson whose 3212
license has been suspended under this division shall have twelve 3213
months after the date of the suspension of the salesperson's 3214
license to submit proof of successful completion of the 3215
instruction required under this division. No such license shall 3216
be reactivated by the superintendent until it is established, to 3217
the satisfaction of the superintendent, that the requirements of 3218
this division have been met and that the licensee is in 3219
compliance with this chapter. A licensee's license is revoked 3220
automatically without the taking of any action by the 3221
superintendent when the licensee fails to submit the required 3222
proof of completion of the education requirements under division 3223
(I) of this section within twelve months of the date the license 3224
is suspended. 3225

(J) Examinations shall be administered with reasonable 3226
accommodations in accordance with the requirements of the 3227
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3228
U.S.C. 12189. The contents of an examination shall be consistent 3229
with the classroom instructional requirements of division (F) (6) 3230
of this section. An applicant who has completed the classroom 3231
instructional requirements of division (F) (6) of this section at 3232
the time of application shall be examined no later than twelve 3233
months after the applicant is notified of the applicant's 3234
admission to the examination. 3235

Sec. 4747.10. Each person currently engaged in training to 3236

become a licensed hearing aid dealer or fitter shall apply to 3237
the hearing aid dealers and fitters licensing board for a 3238
hearing aid dealer's and fitter's trainee permit. The board 3239
shall issue to each applicant within thirty days of receipt of a 3240
properly completed application and payment of one hundred fifty 3241
dollars, a trainee permit if such applicant meets all of the 3242
following criteria: 3243

(A) Is at least eighteen years of age; 3244

(B) Is the holder of a diploma from an accredited high 3245
school, ~~or possesses an equivalent education~~ a certificate of 3246
high school equivalence issued by the department of education; 3247

(C) Has not committed a disqualifying offense or a crime 3248
of moral turpitude, as those terms are defined in section 3249
4776.10 of the Revised Code; 3250

(D) Is free of contagious or infectious disease. 3251

Subject to the next paragraph, the board shall not deny a 3252
trainee permit issued under this section to any individual based 3253
on the individual's past criminal history or an interpretation 3254
of moral character unless the individual has committed a 3255
disqualifying offense or crime of moral turpitude as those terms 3256
are defined in section 4776.10 of the Revised Code. Except as 3257
otherwise provided in this paragraph, if an individual applying 3258
for a trainee permit has been convicted of or pleaded guilty to 3259
a misdemeanor that is not a crime of moral turpitude or a 3260
disqualifying offense less than one year prior to making the 3261
application, the board may use the board's discretion in 3262
granting or denying the individual a trainee permit. Except as 3263
otherwise provided in this paragraph, if an individual applying 3264
for a trainee permit has been convicted of or pleaded guilty to 3265

a felony that is not a crime of moral turpitude or a 3266
disqualifying offense less than three years prior to making the 3267
application, the board may use the board's discretion in 3268
granting or denying the individual a trainee permit. The 3269
provisions in this paragraph do not apply with respect to any 3270
offense unless the board, prior to ~~the effective date of this~~ 3271
~~amendment~~ September 28, 2012, was required or authorized to deny 3272
the application based on that offense. 3273

In all other circumstances not described in the preceding 3274
paragraph, the board shall follow the procedures it adopts by 3275
rule that conform to this section. 3276

In considering a renewal of an individual's trainee 3277
permit, the board shall not consider any conviction or plea of 3278
guilty prior to the issuance of the initial trainee permit. 3279
However, the board may consider a conviction or plea of guilty 3280
if it occurred after the individual was initially granted the 3281
trainee permit, or after the most recent trainee permit renewal. 3282
If the board denies an individual for a trainee permit or 3283
renewal, the reasons for such denial shall be put in writing. 3284
Additionally, the board may grant an individual a conditional 3285
trainee permit that lasts for one year. After the one-year 3286
period has expired, the permit is no longer considered 3287
conditional, and the individual shall be considered to be 3288
granted a full trainee permit. 3289

Each trainee permit issued by the board expires one year 3290
from the date it was first issued, and may be renewed once if 3291
the trainee has not successfully completed the qualifying 3292
requirements for licensing as a hearing aid dealer or fitter 3293
before the expiration date of such permit. The board shall issue 3294
a renewed permit to each applicant upon receipt of a properly 3295

completed application and payment of one hundred five dollars. 3296
No person holding a trainee permit shall engage in the practice 3297
of dealing in or fitting of hearing aids except while under 3298
supervision by a licensed hearing aid dealer or fitter. 3299

Sec. 4758.46. An individual seeking a prevention 3300
specialist assistant certificate shall meet all of the following 3301
requirements: 3302

(A) Be at least eighteen years of age; 3303

(B) Have at least a high school diploma or certificate of 3304
high school equivalence~~—diploma~~; 3305

(C) Have at least one hundred hours of compensated or 3306
volunteer work, field placement, intern, or practicum experience 3307
in alcohol and other drug prevention services; 3308

(D) Have at least forty-five hours of prevention-related 3309
education that meets the requirements specified in rules adopted 3310
under section 4758.20 of the Revised Code. 3311

Sec. 4758.47. An individual seeking a registered applicant 3312
certificate shall meet all of the following requirements: 3313

(A) Be at least eighteen years of age; 3314

(B) Have at least a high school diploma or a certificate 3315
of high school equivalence~~—diploma~~; 3316

(C) Submit to the chemical dependency professionals board 3317
a professional development plan that is acceptable to the board. 3318

Sec. 4779.13. To be eligible for a license to practice 3319
pedorthics, an applicant must meet all of the following 3320
requirements: 3321

(A) On the date of application, has practiced pedorthics 3322

for not less than eight months under the supervision of an 3323
individual licensed under this chapter to practice pedorthics; 3324

(B) Holds a high school diploma or certificate of high 3325
school equivalence issued by the ~~state board department of~~ 3326
education, or a comparable primary-secondary education or higher 3327
education agency of another state; 3328

(C) Has completed the education, training, and experience 3329
required to take the certification examination developed by the 3330
board for certification in pedorthics or an equivalent successor 3331
organization recognized by the board. 3332

Sec. 4779.25. The state board of orthotics, prosthetics, 3333
and pedorthics shall recognize an institution of higher 3334
education's bachelor's degree program in orthotics and 3335
prosthetics if the program satisfies all of the following 3336
requirements: 3337

(A) Provides not less than two semesters or three quarters 3338
of instruction in orthotics and two semesters or three quarters 3339
of instruction in prosthetics; 3340

(B) Requires as a condition of entry a high school diploma 3341
or certificate of high school equivalence ~~issued by the state~~ 3342
~~board of education;~~ 3343

(C) Includes a written description of the program that 3344
includes learning goals, course objectives, and competencies for 3345
graduation; 3346

(D) Requires frequent, documented evaluation of students 3347
to assess their acquisition of knowledge, problem identification 3348
and solving skills, and psychomotor, behavioral, and clinical 3349
competencies; 3350

(E) Requires as a condition of entry successful completion	3351
of courses in biology, chemistry, physics, psychology, computer	3352
science, algebra or higher math, human anatomy with a laboratory	3353
section, and physiology with a laboratory section;	3354
(F) Requires formal instruction in biomechanics, gait	3355
analysis and pathometrics, kinesiology, pathology, materials	3356
science, research methods, and diagnostic imaging techniques;	3357
(G) Requires students as a condition of graduation to	3358
demonstrate orthotics skills, including measurement, impression-	3359
taking, model rectification, and fitting and alignment of	3360
orthoses for the lower limbs, upper limbs, and spines;	3361
(H) Requires students as a condition of graduation to	3362
complete training in orthotic systems, including foot orthosis,	3363
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,	3364
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis,	3365
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral	3366
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO,	3367
standing frames, and seating;	3368
(I) Requires students as a condition of graduation to	3369
demonstrate prosthetic skills that include measurement,	3370
impression taking, model rectification, diagnostic fitting,	3371
definitive fitting, postoperative management, external power,	3372
and static and dynamic alignment of sockets related to various	3373
amputation levels, including partial foot, Syme's below knee,	3374
above knee, below elbow, above elbow, and the various joint	3375
disarticulations;	3376
(J) Requires as a condition of graduation students to	3377
complete not less than five hundred hours of supervised clinical	3378
experience that focus on patient-related activities, including	3379

recommendation, measurement, impression-taking, model 3380
rectification, fabrication, fitting, and evaluating patients in 3381
the use and function of orthotics and prosthetics; 3382

(K) Provides for the evaluation of the program's 3383
compliance with the requirements of this section through 3384
regular, on-site visits conducted by a team of qualified 3385
individuals from a nationally recognized orthotic, prosthetic, 3386
or orthotic and prosthetic certifying body; 3387

(L) Meets any other standards adopted by the board under 3388
section 4779.08 of the Revised Code. 3389

Sec. 5104.035. (A) A child day-care center administrator 3390
shall show the director of job and family services both of the 3391
following: 3392

(1) Evidence of at least high school graduation or 3393
~~certification~~ a certificate of high school ~~equivalency~~ 3394
equivalence issued by the state board ~~department~~ of education or 3395
~~the appropriate~~ a primary-secondary education or higher 3396
education agency of another state; 3397

(2) Evidence of having at least one of the following: 3398

(a) An associate, bachelor's, master's, doctoral, or other 3399
postgraduate degree in child development or early childhood 3400
education, or in a related field approved by the director, from 3401
an accredited college, university, or technical college; 3402

(b) A license designated as appropriate for teaching in an 3403
associate teaching position in a preschool setting issued by the 3404
state board of education pursuant to section 3319.22 of the 3405
Revised Code; 3406

(c) Designation under the career pathways model as an 3407

early childhood professional level three;	3408
(d) Two years of experience working as a child-care staff	3409
member in a licensed child care program, designation under the	3410
career pathways model as an early childhood professional level	3411
one, and, not later than one year after being named as	3412
administrator, designation under the career pathways model as an	3413
early childhood professional level two;	3414
(e) Two years of experience working as a child-care staff	3415
member in a licensed child care program and, except as provided	3416
in division (B) of this section, at least four courses in child	3417
development or early childhood education from an accredited	3418
college, university, or technical college;	3419
(f) Two years of experience working as a child-care staff	3420
member in a licensed child care program and a child development	3421
associate credential issued by the council for professional	3422
recognition;	3423
(g) Two years of training, including at least four courses	3424
in child development or early childhood education from an	3425
accredited college, university, or technical college;	3426
(h) An infant and toddler or early childhood credential	3427
from a program accredited by the Montessori accreditation	3428
council for teacher education.	3429
(B) A person who has two years of experience working as a	3430
child-care staff member in a child day-care center and is	3431
promoted to or designated as administrator of that center shall	3432
have one year from the date of the promotion or designation to	3433
complete the courses required by division (A) (1) (e) of this	3434
section.	3435
Sec. 5104.036. (A) All child-care staff members of a child	3436

day-care center shall be at least eighteen years of age, shall 3437
comply with the training requirements set forth in rules adopted 3438
pursuant to section 5104.015 of the Revised Code, and shall 3439
furnish the director of job and family services or the 3440
director's designee evidence of at least high school graduation 3441
or ~~certification~~ a certificate of high school ~~equivalency~~ 3442
equivalence issued by the state board ~~department~~ of education or 3443
~~the appropriate~~ a primary-secondary education or higher 3444
education agency of another state or evidence of completion of a 3445
training program approved by the department of job and family 3446
services or state board of education, except as follows: 3447

(B) A child-care staff member may be less than eighteen 3448
years of age if the staff member is either of the following: 3449

(1) A graduate of a two-year vocational child-care 3450
training program approved by the state board of education; 3451

(2) A student enrolled in the second year of a vocational 3452
child-care training program approved by the state board of 3453
education which leads to high school graduation, provided that 3454
the student performs the student's duties in the child day-care 3455
center under the continuous supervision of an experienced child- 3456
care staff member, receives periodic supervision from the 3457
vocational child-care training program teacher-coordinator in 3458
the student's high school, and meets all other requirements of 3459
this chapter and rules adopted pursuant to this chapter. 3460

(C) A child-care staff member shall be exempt from the 3461
educational requirements of division (A) of this section if the 3462
staff member: 3463

(1) Prior to January 1, 1972, was employed or designated 3464
by a child day-care center and has been continuously employed 3465

since either by the same child day-care center employer or at 3466
the same child day-care center; 3467

(2) Is a student enrolled in the second year of a 3468
vocational child-care training program approved by the state 3469
board of education which leads to high school graduation, 3470
provided that the student performs the student's duties in the 3471
child day-care center under the continuous supervision of an 3472
experienced child-care staff member, receives periodic 3473
supervision from the vocational child-care training program 3474
teacher-coordinator in the student's high school, and meets all 3475
other requirements of this chapter and rules adopted pursuant to 3476
this chapter; 3477

(3) Is receiving or has completed the final year of 3478
instruction at home as authorized under section 3321.04 of the 3479
Revised Code or has graduated from a nonchartered, nonpublic 3480
school in Ohio. 3481

Sec. 5107.281. A participant of Ohio works first who is 3482
enrolled in a school district in a county that is participating 3483
in the learnfare program and is not younger than age six but not 3484
older than age nineteen shall participate in the learnfare 3485
program unless one of the following is the case: 3486

(A) The participant is not yet eligible for enrollment in 3487
first grade; 3488

(B) The participant is subject to the LEAP program; 3489

(C) The participant has received one of the following: 3490

(1) A high school diploma; 3491

(2) A certificate stating that the participant has 3492
achieved the equivalent of a high school education as measured 3493

by scores obtained on ~~the tests of general educational~~ 3494
~~development as published by the American council on education, a~~ 3495
high school equivalency test approved by the department of 3496
education pursuant to division (B) of section 3301.80 of the 3497
Revised Code. 3498

(D) The participant has been excused from school 3499
attendance pursuant to section 3321.04 of the Revised Code; 3500

(E) If child care services for a member of the 3501
participant's household are necessary for the participant to 3502
attend school, child care licensed or certified under Chapter 3503
5104. of the Revised Code or under sections 3301.52 to 3301.59 3504
of the Revised Code and transportation to and from the child 3505
care are not available; 3506

(F) The participant has been adjudicated a delinquent or 3507
unruly child pursuant to section 2151.28 of the Revised Code. 3508

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of 3509
the Revised Code: 3510

(A) "Alternative work activity" means an activity designed 3511
to promote self sufficiency and personal responsibility 3512
established by a county department of job and family services 3513
under section 5107.64 of the Revised Code. 3514

(B) "Developmental activity" means an activity designed to 3515
promote self sufficiency and personal responsibility established 3516
by a county department of job and family services under section 3517
5107.62 of the Revised Code. 3518

(C) "~~High Certificate of high school equivalence diploma~~" 3519
means a diploma certificate attesting to achievement of the 3520
equivalent of a high school education as measured by scores 3521
obtained on ~~the tests of general educational development~~ 3522

published by the American council on education a high school	3523
equivalency test approved by the department of education	3524
pursuant to division (B) of section 3301.80 of the Revised Code.	3525
" High Certificate of high school equivalence diploma " includes a	3526
certificate of high school equivalence issued prior to January	3527
1, 1994, attesting to the achievement of the equivalent of a	3528
high school education as measured by scores obtained on tests of	3529
general educational development.	3530
(D) "Work activity" means the following:	3531
(1) Unsubsidized employment activities established under	3532
section 5107.60 of the Revised Code;	3533
(2) The subsidized employment program established under	3534
section 5107.52 of the Revised Code;	3535
(3) The work experience program established under section	3536
5107.54 of the Revised Code;	3537
(4) On-the-job training activities established under	3538
section 5107.60 of the Revised Code;	3539
(5) The job search and readiness program established under	3540
section 5107.50 of the Revised Code;	3541
(6) Community service activities established under section	3542
5107.60 of the Revised Code;	3543
(7) Vocational educational training activities established	3544
under section 5107.60 of the Revised Code;	3545
(8) Jobs skills training activities established under	3546
section 5107.60 of the Revised Code that are directly related to	3547
employment;	3548
(9) Education activities established under section 5107.60	3549

of the Revised Code that are directly related to employment for 3550
participants of Ohio works first who have not earned a high 3551
school diploma or certificate of high school equivalence 3552
~~diploma~~; 3553

(10) Education activities established under section 3554
5107.60 of the Revised Code for participants of Ohio works first 3555
who have not completed secondary school or received a 3556
certificate of high school equivalence ~~diploma~~ under which the 3557
participants attend a secondary school or a course of study 3558
leading to a certificate of high school equivalence ~~diploma~~; 3559

(11) Child-care service activities, including training, 3560
established under section 5107.60 of the Revised Code to aid 3561
another participant of Ohio works first assigned to a community 3562
service activity or other work activity; 3563

(12) The education program established under section 3564
5107.58 of the Revised Code that are operated pursuant to a 3565
federal waiver granted by the United States secretary of health 3566
and human services pursuant to a request made under former 3567
section 5101.09 of the Revised Code; 3568

(13) To the extent provided by division (C) of section 3569
5107.30 of the Revised Code, the LEAP program established under 3570
that section. 3571

Sec. 5107.60. In accordance with Title IV-A, federal 3572
regulations, state law, the Title IV-A state plan prepared under 3573
section 5101.80 of the Revised Code, and amendments to the plan, 3574
county departments of job and family services shall establish 3575
and administer the following work activities, in addition to the 3576
work activities established under sections 5107.50, 5107.52, 3577
5107.54, and 5107.58 of the Revised Code, for minor heads of 3578

households and adults participating in Ohio works first:	3579
(A) Unsubsidized employment activities, including	3580
activities a county department determines are legitimate	3581
entrepreneurial activities;	3582
(B) On-the-job training activities, including training to	3583
become an employee of a child day-care center or type A family	3584
day-care home, administrator of a licensed type B family day-	3585
care home, or in-home aide;	3586
(C) Community service activities including a program under	3587
which a participant of Ohio works first who is the parent,	3588
guardian, custodian, or specified relative responsible for the	3589
care of a minor child enrolled in grade twelve or lower is	3590
involved in the minor child's education on a regular basis;	3591
(D) Vocational educational training activities;	3592
(E) Jobs skills training activities that are directly	3593
related to employment;	3594
(F) Education activities that are directly related to	3595
employment for participants who have not earned a high school	3596
diploma or <u>certificate of</u> high school equivalence diploma ;	3597
(G) Education activities for participants who have not	3598
completed secondary school or received a <u>certificate of</u> high	3599
school equivalence diploma under which the participants attend a	3600
secondary school or a course of study leading to a <u>certificate</u>	3601
<u>of</u> high school equivalence diploma , including LEAP participation	3602
by a minor head of household;	3603
(H) Child-care service activities aiding another	3604
participant assigned to a community service activity or other	3605
work activity. A county department may provide for a participant	3606

assigned to this work activity to receive training necessary to 3607
provide child-care services. 3608

Sec. 5107.62. County departments of job and family 3609
services shall establish and administer developmental activities 3610
for minor heads of households and adults participating in Ohio 3611
works first. In establishing developmental activities, county 3612
departments are not limited by the restrictions that Title IV-A 3613
imposes on work activities. Developmental activities may be 3614
identical or similar to, or different from, work activities and 3615
alternative work activities. 3616

In accordance with a federal waiver granted by the United 3617
States secretary of health and human services pursuant to a 3618
request made under former section 5101.09 of the Revised Code, a 3619
county department may establish and administer a developmental 3620
activity under which a minor head of household or adult attends 3621
a school, special education program, or adult high school 3622
continuation program that conforms to the minimum standards 3623
prescribed by the state board of education or instructional 3624
courses designed to prepare the minor head of household or adult 3625
to earn a certificate of high school equivalence~~diploma~~. 3626
Pursuant to the waiver, a minor head of household or adult 3627
assigned to this developmental activity is required to earn a 3628
high school diploma, adult education diploma, or certificate of 3629
high school equivalence ~~diploma~~ not later than two years after 3630
the date the minor head of household or adult is placed in the 3631
activity. 3632

Sec. 5120.031. (A) As used in this section: 3633

(1) "Certificate of high school equivalence" means ~~a~~ 3634
either: 3635

(a) A statement that is issued by the ~~state board-~~ 3636
department of education or an equivalent agency of another state- 3637
and that indicates that its holder has achieved the equivalent 3638
of a high school education as measured by scores obtained on the- 3639
tests of general educational development published by the- 3640
American council on education, a high school equivalency test 3641
approved by the department of education pursuant to division (B) 3642
of section 3301.80 of the Revised Code; 3643

(b) A statement that is issued by a primary-secondary 3644
education or higher education agency of another state that 3645
indicates that its holder has achieved the equivalent of a high 3646
school education as measured by scores obtained on a similar 3647
nationally recognized high school equivalency test. 3648

(2) "Certificate of adult basic education" means a 3649
statement that is issued by the department of rehabilitation and 3650
correction through the Ohio central school system approved by 3651
the state board of education and that indicates that its holder 3652
has achieved a 6.0 grade level, or higher, as measured by scores 3653
of nationally standardized or recognized tests. 3654

(3) "Deadly weapon" and "firearm" have the same meanings 3655
as in section 2923.11 of the Revised Code. 3656

(4) "Eligible offender" means a person, other than one who 3657
is ineligible to participate in an intensive program prison 3658
under the criteria specified in section 5120.032 of the Revised 3659
Code, who has been convicted of or pleaded guilty to, and has 3660
been sentenced for, a felony. 3661

(5) "Shock incarceration" means the program of 3662
incarceration that is established pursuant to the rules of the 3663
department of rehabilitation and correction adopted under this 3664

section. 3665

(B)(1) The director of rehabilitation and correction, by 3666
rules adopted under Chapter 119. of the Revised Code, shall 3667
establish a pilot program of shock incarceration that may be 3668
used for offenders who are sentenced to serve a term of 3669
imprisonment under the custody of the department of 3670
rehabilitation and correction, whom the department determines to 3671
be eligible offenders, and whom the department, subject to the 3672
approval of the sentencing judge, may permit to serve their 3673
sentence as a sentence of shock incarceration in accordance with 3674
this section. 3675

(2) The rules for the pilot program shall require that the 3676
program be established at an appropriate state correctional 3677
institution designated by the director and that the program 3678
consist of both of the following for each eligible offender whom 3679
the department, with the approval of the sentencing judge, 3680
permits to serve the eligible offender's sentence as a sentence 3681
of shock incarceration: 3682

(a) A period of imprisonment at that institution of ninety 3683
days that shall consist of a military style combination of 3684
discipline, physical training, and hard labor and substance 3685
abuse education, employment skills training, social skills 3686
training, and psychological treatment. During the ninety-day 3687
period, the department may permit an eligible offender to 3688
participate in a self-help program. Additionally, during the 3689
ninety-day period, an eligible offender who holds a high school 3690
diploma or a certificate of high school equivalence may be 3691
permitted to tutor other eligible offenders in the shock 3692
incarceration program. If an eligible offender does not hold a 3693
high school diploma or certificate of high school equivalence, 3694

the eligible offender may elect to participate in an education 3695
program that is designed to award a certificate of adult basic 3696
education or an education program that is designed to award a 3697
certificate of high school equivalence to those eligible 3698
offenders who successfully complete the education program, 3699
whether the completion occurs during or subsequent to the 3700
ninety-day period. To the extent possible, the department shall 3701
use as teachers in the education program persons who have been 3702
issued a license pursuant to sections 3319.22 to 3319.31 of the 3703
Revised Code, who have volunteered their services to the 3704
education program, and who satisfy any other criteria specified 3705
in the rules for the pilot project. 3706

(b) Immediately following the ninety-day period of 3707
imprisonment, and notwithstanding any other provision governing 3708
the early release of a prisoner from imprisonment or the 3709
transfer of a prisoner to transitional control, one of the 3710
following, as determined by the director: 3711

(i) An intermediate, transitional type of detention for 3712
the period of time determined by the director and, immediately 3713
following the intermediate, transitional type of detention, a 3714
release under a post-release control sanction imposed in 3715
accordance with section 2967.28 of the Revised Code. The period 3716
of intermediate, transitional type of detention imposed by the 3717
director under this division may be in a halfway house, in a 3718
community-based correctional facility and program or district 3719
community-based correctional facility and program established 3720
under sections 2301.51 to 2301.58 of the Revised Code, or in any 3721
other facility approved by the director that provides for 3722
detention to serve as a transition between imprisonment in a 3723
state correctional institution and release from imprisonment. 3724

(ii) A release under a post-release control sanction	3725
imposed in accordance with section 2967.28 of the Revised Code.	3726
(3) The rules for the pilot program also shall include,	3727
but are not limited to, all of the following:	3728
(a) Rules identifying the locations within the state	3729
correctional institution designated by the director that will be	3730
used for eligible offenders serving a sentence of shock	3731
incarceration;	3732
(b) Rules establishing specific schedules of discipline,	3733
physical training, and hard labor for eligible offenders serving	3734
a sentence of shock incarceration, based upon the offender's	3735
physical condition and needs;	3736
(c) Rules establishing standards and criteria for the	3737
department to use in determining which eligible offenders the	3738
department will permit to serve their sentence of imprisonment	3739
as a sentence of shock incarceration;	3740
(d) Rules establishing guidelines for the selection of	3741
post-release control sanctions for eligible offenders;	3742
(e) Rules establishing procedures for notifying sentencing	3743
courts of the performance of eligible offenders serving their	3744
sentences of imprisonment as a sentence of shock incarceration;	3745
(f) Any other rules that are necessary for the proper	3746
conduct of the pilot program.	3747
(C) (1) If an offender is sentenced to a term of	3748
imprisonment under the custody of the department, if the	3749
sentencing court either recommends the offender for placement in	3750
a program of shock incarceration under this section or makes no	3751
recommendation on placement of the offender, and if the	3752

department determines that the offender is an eligible offender 3753
for placement in a program of shock incarceration under this 3754
section, the department may permit the eligible offender to 3755
serve the sentence in a program of shock incarceration, in 3756
accordance with division (I) of section 2929.14 of the Revised 3757
Code, with this section, and with the rules adopted under this 3758
section. If the sentencing court disapproves placement of the 3759
offender in a program of shock incarceration, the department 3760
shall not place the offender in any program of shock 3761
incarceration. 3762

If the sentencing court recommends the offender for 3763
placement in a program of shock incarceration and if the 3764
department subsequently places the offender in the recommended 3765
program, the department shall notify the court of the offender's 3766
placement in the recommended program and shall include with the 3767
notice a brief description of the placement. 3768

If the sentencing court recommends placement of the 3769
offender in a program of shock incarceration and the department 3770
for any reason does not subsequently place the offender in the 3771
recommended program, the department shall send a notice to the 3772
court indicating why the offender was not placed in the 3773
recommended program. 3774

If the sentencing court does not make a recommendation on 3775
the placement of an offender in a program of shock incarceration 3776
and if the department determines that the offender is an 3777
eligible offender for placement in a program of that nature, the 3778
department shall screen the offender and determine if the 3779
offender is suited for the program of shock incarceration. If 3780
the offender is suited for the program of shock incarceration, 3781
at least three weeks prior to permitting an eligible offender to 3782

serve the sentence in a program of shock incarceration, the 3783
department shall notify the sentencing court of the proposed 3784
placement of the offender in the program and shall include with 3785
the notice a brief description of the placement. The court shall 3786
have ten days from receipt of the notice to disapprove the 3787
placement. If the sentencing court disapproves of the placement, 3788
the department shall not permit the eligible offender to serve 3789
the sentence in a program of shock incarceration. If the judge 3790
does not timely disapprove of placement of the offender in the 3791
program of shock incarceration, the department may proceed with 3792
plans for placement of the offender. 3793

If the department determines that the offender is not 3794
eligible for placement in a program of shock incarceration, the 3795
department shall not place the offender in any program of shock 3796
incarceration. 3797

(2) If the department permits an eligible offender to 3798
serve the eligible offender's sentence of imprisonment as a 3799
sentence of shock incarceration and the eligible offender does 3800
not satisfactorily complete the entire period of imprisonment 3801
described in division (B) (2) (a) of this section, the offender 3802
shall be removed from the pilot program for shock incarceration 3803
and shall be required to serve the remainder of the offender's 3804
sentence of imprisonment imposed by the sentencing court as a 3805
regular term of imprisonment. If the eligible offender commences 3806
a period of post-release control described in division (B) (2) (b) 3807
of this section and violates the conditions of that post-release 3808
control, the eligible offender shall be subject to the 3809
provisions of sections 2929.141, 2967.15, and 2967.28 of the 3810
Revised Code regarding violation of post-release control 3811
sanctions. 3812

(3) If an eligible offender's stated prison term expires 3813
at any time during the eligible offender's participation in the 3814
shock incarceration program, the adult parole authority shall 3815
terminate the eligible offender's participation in the program 3816
and shall issue to the eligible offender a certificate of 3817
expiration of the stated prison term. 3818

(D) The director shall keep sentencing courts informed of 3819
the performance of eligible offenders serving their sentences of 3820
imprisonment as a sentence of shock incarceration, including, 3821
but not limited to, notice of eligible offenders who fail to 3822
satisfactorily complete their entire sentence of shock 3823
incarceration or who satisfactorily complete their entire 3824
sentence of shock incarceration. 3825

(E) Within a reasonable period of time after November 20, 3826
1990, the director shall appoint a committee to search for one 3827
or more suitable sites at which one or more programs of shock 3828
incarceration, in addition to the pilot program required by 3829
division (B) (1) of this section, may be established. The search 3830
committee shall consist of the director or the director's 3831
designee, as chairperson; employees of the department of 3832
rehabilitation and correction appointed by the director; and any 3833
other persons that the director, in the director's discretion, 3834
appoints. In searching for such sites, the search committee 3835
shall give preference to any site owned by the state or any 3836
other governmental entity and to any existing structure that 3837
reasonably could be renovated, enlarged, converted, or remodeled 3838
for purposes of establishing such a program. The search 3839
committee shall prepare a report concerning its activities and, 3840
on the earlier of the day that is twelve months after the first 3841
day on which an eligible offender began serving a sentence of 3842
shock incarceration under the pilot program or January 1, 1992, 3843

shall file the report with the president and the minority leader 3844
of the senate, the speaker and the minority leader of the house 3845
of representatives, the members of the senate who were members 3846
of the senate judiciary committee in the 118th general assembly 3847
or their successors, and the members of the house of 3848
representatives who were members of the select committee to hear 3849
drug legislation that was established in the 118th general 3850
assembly or their successors. Upon the filing of the report, the 3851
search committee shall terminate. The report required by this 3852
division shall contain all of the following: 3853

(1) A summary of the process used by the search committee 3854
in performing its duties under this division; 3855

(2) A summary of all of the sites reviewed by the search 3856
committee in performing its duties under this division, and the 3857
benefits and disadvantages it found relative to the 3858
establishment of a program of shock incarceration at each such 3859
site; 3860

(3) The findings and recommendations of the search 3861
committee as to the suitable site or sites, if any, at which a 3862
program of shock incarceration, in addition to the pilot program 3863
required by division (B) (1) of this section, may be established. 3864

(F) The director periodically shall review the pilot 3865
program for shock incarceration required to be established by 3866
division (B) (1) of this section. The director shall prepare a 3867
report relative to the pilot program and, on the earlier of the 3868
day that is twelve months after the first day on which an 3869
eligible offender began serving a sentence of shock 3870
incarceration under the pilot program or January 1, 1992, shall 3871
file the report with the president and the minority leader of 3872
the senate, the speaker and the minority leader of the house of 3873

representatives, the members of the senate who were members of 3874
the senate judiciary committee in the 118th general assembly or 3875
their successors, and the members of the house of 3876
representatives who were members of the select committee to hear 3877
drug legislation that was established in the 118th general 3878
assembly or their successors. The pilot program shall not 3879
terminate at the time of the filing of the report, but shall 3880
continue in operation in accordance with this section. The 3881
report required by this division shall include all of the 3882
following: 3883

(1) A summary of the pilot program as initially 3884
established, a summary of all changes in the pilot program made 3885
during the period covered by the report and the reasons for the 3886
changes, and a summary of the pilot program as it exists on the 3887
date of preparation of the report; 3888

(2) A summary of the effectiveness of the pilot program, 3889
in the opinion of the director and employees of the department 3890
involved in its operation; 3891

(3) An analysis of the total cost of the pilot program, of 3892
its cost per inmate who was permitted to serve a sentence of 3893
shock incarceration and who served the entire sentence of shock 3894
incarceration, and of its cost per inmate who was permitted to 3895
serve a sentence of shock incarceration; 3896

(4) A summary of the standards and criteria used by the 3897
department in determining which eligible offenders were 3898
permitted to serve their sentence of imprisonment as a sentence 3899
of shock incarceration; 3900

(5) A summary of the characteristics of the eligible 3901
offenders who were permitted to serve their sentence of 3902

imprisonment as a sentence of shock incarceration, which summary 3903
shall include, but not be limited to, a listing of every offense 3904
of which any such eligible offender was convicted or to which 3905
any such eligible offender pleaded guilty and in relation to 3906
which the eligible offender served a sentence of shock 3907
incarceration, and the total number of such eligible offenders 3908
who were convicted of or pleaded guilty to each such offense; 3909

(6) A listing of the number of eligible offenders who were 3910
permitted to serve a sentence of shock incarceration and who did 3911
not serve the entire sentence of shock incarceration, and, to 3912
the extent possible, a summary of the length of the terms of 3913
imprisonment served by such eligible offenders after they were 3914
removed from the pilot program; 3915

(7) A summary of the effect of the pilot program on 3916
overcrowding at state correctional institutions; 3917

(8) To the extent possible, an analysis of the rate of 3918
recidivism of eligible offenders who were permitted to serve a 3919
sentence of shock incarceration and who served the entire 3920
sentence of shock incarceration; 3921

(9) Recommendations as to legislative changes to the pilot 3922
program that would assist in its operation or that could further 3923
alleviate overcrowding at state correctional institutions, and 3924
recommendations as to whether the pilot program should be 3925
expanded. 3926

Sec. 5126.201. (A) A person may be employed by or under 3927
contract with a county board of developmental disabilities as a 3928
conditional status service and support administrator only if 3929
either of the following is true: 3930

(1) The person has at least an appropriate associate 3931

degree; 3932

(2) The person meets both of the following requirements: 3933

(a) The person was employed by the county board and 3934
performed service and support administration duties on June 30, 3935
2005; 3936

(b) The person holds a high school diploma or a ~~general-~~ 3937
~~educational development~~ certificate of high school equivalence. 3938

(B) A conditional status service and support administrator 3939
shall perform the duties of service and support administration, 3940
as specified in division (B) of section 5126.15 of the Revised 3941
Code, only under the supervision of a management employee who is 3942
a service and support administration supervisor. 3943

Section 2. That existing sections 103.45, 103.48, 103.50, 3944
311.01, 3301.54, 3311.191, 3313.60, 3313.617, 3313.662, 3945
3313.717, 3314.03, 3314.08, 3317.03, 3317.064, 3317.25, 3326.11, 3946
3328.24, 4109.06, 4510.32, 4709.04, 4723.651, 4723.74, 4735.09, 3947
4747.10, 4758.46, 4758.47, 4779.13, 4779.25, 5104.035, 5104.036, 3948
5107.281, 5107.40, 5107.60, 5107.62, 5120.031, and 5126.201 and 3949
section 103.49 of the Revised Code are hereby repealed. 3950

Section 3. Section 3314.03 of the Revised Code is 3951
presented in this act as a composite of the section as amended 3952
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 3953
General Assembly. The General Assembly, applying the principle 3954
stated in division (B) of section 1.52 of the Revised Code that 3955
amendments are to be harmonized if reasonably capable of 3956
simultaneous operation, finds that the composite is the 3957
resulting version of the section in effect prior to the 3958
effective date of the section as presented in this act. 3959